

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**

**No. 1535** Session of  
2008

INTRODUCED BY BOSCOLA, MUSTO, RAFFERTY, FONTANA, LOGAN, O'PAKE,  
TARTAGLIONE AND C. WILLIAMS, AUGUST 18, 2008

REFERRED TO BANKING AND INSURANCE, AUGUST 18, 2008

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An  
2 act relating to insurance; amending, revising, and  
3 consolidating the law providing for the incorporation of  
4 insurance companies, and the regulation, supervision, and  
5 protection of home and foreign insurance companies, Lloyds  
6 associations, reciprocal and inter-insurance exchanges, and  
7 fire insurance rating bureaus, and the regulation and  
8 supervision of insurance carried by such companies,  
9 associations, and exchanges, including insurance carried by  
10 the State Workmen's Insurance Fund; providing penalties; and  
11 repealing existing laws," providing for insurance coverage  
12 for infertility treatment services and for prescription  
13 infertility drugs.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. The act of May 17, 1921 (P.L.682, No.284), known  
17 as The Insurance Company Law of 1921, is amended by adding  
18 sections to read:

19 Section 633.1. Coverage for Infertility Treatment.--(a)  
20 Every health insurance policy that provides pregnancy-related  
21 benefits and is delivered, issued, executed or renewed in this  
22 Commonwealth on or after the effective date of this section  
23 shall provide coverage for the expenses of diagnosis and

1 treatment of infertility, including, but not limited to,  
2 intrauterine insemination, in vitro fertilization, embryo  
3 transfer, artificial insemination, gamete intrafallopian tube  
4 transfer, zygote intrafallopian tube transfer and low tubal ovum  
5 transfer.

6 (b) The coverage required under subsection (a) of this  
7 section may impose the following restrictions:

8 (1) Exclude reversal of elective sterilization or use of  
9 assisted reproductive techniques when infertility is the result  
10 of elective sterilization.

11 (2) Impose restrictions and waiting periods before assisted  
12 reproductive techniques may be employed. Any such restrictions  
13 and waiting periods must be within the recommended treatment  
14 guidelines issued by the American Society for Reproductive  
15 Medicine or the American College of Obstetricians and  
16 Gynecologists.

17 (3) Exclude coverage for women who are over 45 years of age.

18 (4) Restrict coverage for assisted reproductive techniques  
19 to the policyholder and dependent spouse. Any treatment to  
20 remedy conditions which could impair fertility must be covered  
21 for the policyholder and all dependents, including minor  
22 children.

23 (5) Require in vitro fertilization, gamete intrafallopian  
24 tube transfer, intracytoplasmic sperm injection or zygote  
25 intrafallopian tube transfer be performed at medical facilities  
26 that conform to the American College of Obstetricians and  
27 Gynecologists guidelines for in vitro fertilization clinics or  
28 to the American Society for Reproductive Medicine minimal  
29 standards for programs of in vitro fertilization.

30 (6) Impose a limitation of four assisted reproductive

1 technology procedures that a covered individual may attempt.

2 (7) Require copayment or deductibles for assisted  
3 reproductive technology treatments. Any copayment or deduction  
4 may not exceed those applied to pregnancy-related benefits under  
5 the same policy, contract or plan.

6 (c) The procedures required to be covered under this section  
7 may be contained in any policy or plan issued to a religious  
8 institution or organization or to any entity sponsored by a  
9 religious institution or organization that finds the procedure  
10 required to be covered under this section to violate its  
11 religious and moral teachings and beliefs.

12 (d) (1) The term "health insurance policy" when used in  
13 this section means individual or group health insurance policy,  
14 contract or plan which provides medical or health care coverage  
15 by any health care facility or licensed health care provider on  
16 an expense-incurred service or prepaid basis and which is  
17 offered by or is governed under any of the following:

18 (i) This act.

19 (ii) Subdivision (f) of Article IV of the act of June 13,  
20 1967 (P.L.31, No.21), known as the "Public Welfare Code."

21 (iii) The act of December 29, 1972 (P.L.1701, No.364), known  
22 as the "Health Maintenance Organization Act."

23 (iv) The act of May 18, 1976 (P.L.123, No.54), known as the  
24 "Individual Accident and Sickness Insurance Minimum Standards  
25 Act."

26 (v) A nonprofit corporation subject to 40 Pa.C.S. Ch. 61  
27 (relating to hospital plan corporations) or 63 (relating to  
28 professional health services plan corporations).

29 (2) The term "infertility" when used in this section means:

30 (i) the inability to conceive after one year of unprotected

1 sexual intercourse if the woman is under 35 years of age;  
2 (ii) the inability to conceive after six months of  
3 unprotected sexual intercourse if the woman is between 35 years  
4 of age and 40 years of age;  
5 (iii) the inability to conceive after three months of  
6 unprotected sexual intercourse if the woman is over 40 years of  
7 age; or  
8 (iv) the inability to sustain a successful pregnancy.

9 Section 633.2. Coverage for Prescription Infertility  
10 Drugs.--(a) Every health insurance policy that provides  
11 prescription drug benefits and is delivered, issued, executed or  
12 renewed in this Commonwealth on or after the effective date of  
13 this section shall provide coverage for intrauterine  
14 insemination and prescription drugs used in the treatment of  
15 infertility.

16 (b) The coverage required under subsection (a) of this  
17 section may impose the following restrictions:

18 (1) Exclude coverage for women who are over 45 years of age.

19 (2) Require copayment or deductibles for prescription  
20 infertility drugs. Any copayment or deduction may not exceed  
21 those applied to other prescription drug benefits under the same  
22 policy, contract or plan.

23 (c) The prescription infertility drugs required to be  
24 covered under this section may be contained in any policy or  
25 plan issued to a religious institution or organization or to any  
26 entity sponsored by a religious institution or organization that  
27 finds the procedure required to be covered under this section to  
28 violate its religious and moral teachings and beliefs.

29 (d) (1) The term "health insurance policy" when used in  
30 this section means individual or group health insurance policy,

1 contract or plan which provides medical or health care coverage  
2 by any health care facility or licensed health care provider on  
3 an expense-incurred service or prepaid basis and which is  
4 offered by or is governed under any of the following:

5 (i) This act.

6 (ii) Subdivision (f) of Article IV of the act of June 13,  
7 1967 (P.L.31, No.21), known as the "Public Welfare Code."

8 (iii) The act of December 29, 1972 (P.L.1701, No.364), known  
9 as the "Health Maintenance Organization Act."

10 (iv) The act of May 18, 1976 (P.L.123, No.54), known as the  
11 "Individual Accident and Sickness Insurance Minimum Standards  
12 Act."

13 (v) A nonprofit corporation subject to 40 Pa.C.S. Ch. 61  
14 (relating to hospital plan corporations) or 63 (relating to  
15 professional health services plan corporations).

16 (2) The term "infertility" when used in this section means:

17 (i) the inability to conceive after one year of unprotected  
18 sexual intercourse if the woman is under 35 years of age;

19 (ii) the inability to conceive after six months of  
20 unprotected sexual intercourse if the woman is between 35 years  
21 of age and 40 years of age;

22 (iii) the inability to conceive after three months of  
23 unprotected sexual intercourse if the woman is over 40 years of  
24 age; or

25 (iv) the inability to sustain a successful pregnancy.

26 Section 2. This act shall take effect in 60 days.