

Original sponsor: Menard

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 440 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to insurance coverage for pregnancy  
7 and infertility."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 21.42 is amended by adding a new section to read:

10 Sec. 21.42.365. COVERAGE FOR PREGNANCY AND INFERTILITY. (a) An  
11 insurer authorized under AS 21.09 to offer, issue for delivery, de-  
12 liver, or renew a disability insurance policy for medical coverage on  
13 an expense incurred basis in the state, or a hospital service corpo-  
14 ration or medical service corporation authorized under AS 21.87 to  
15 offer or renew a subscriber's contract for medical coverage in the  
16 state, that provides coverage for hospital and surgical expenses,  
17 shall also provide, to the same extent that benefits are provided for  
18 medical conditions other than pregnancy and infertility, coverage for

19 (1) medically necessary expenses of prenatal care, child-  
20 birth, and postpartum care; and

21 (2) all nonexperimental infertility procedures, including  
22 artificial insemination, in vitro fertilization, and embryo placement.

23 (b) The insurer, hospital service corporation, or medical  
24 service corporation providing benefits to a covered person under this  
25 section may not

26 (1) limit coverage for pregnancy or infertility-related  
27 drugs unless the limitation is imposed on other prescription drugs;

28 (2) exclude from coverage costs associated with sperm, egg,  
29 or inseminated egg procurement, processing, and banking, if the donor

1 is the covered spouse;

2 (3) impose a preexisting condition exclusion or preexisting  
3 condition waiting period regarding infertility benefits;

4 (4) use a prior diagnosis of, or prior treatment for infer-  
5 tility to exclude, limit, or restrict coverage regarding infertility  
6 benefits;

7 (5) impose a deductible, copayment, coinsurance, benefit  
8 maximum, or waiting period that is different than that imposed on  
9 benefits provided for coverage of other medical expenses.

10 (c) The insurer, hospital service corporation, or medical  
11 service corporation may

12 (1) deny coverage for

13 (A) an experimental infertility procedure, including  
14 but not limited to, gamete intra-fallopian transfer;

15 (B) surrogacy;

16 (C) reversal of voluntary sterilization;

17 (D) the fourth or greater in vitro fertilization  
18 cycle;

19 (2) establish eligibility requirements related to the  
20 covered person's medical history;

21 (3) establish standards relating to provider contracts.

22 (d) Notwithstanding (a) of this section

23 (1) if the disability insurance policy is not a group  
24 insurance policy but is provided to an individual, the insurer, hospi-  
25 tal service corporation, or medical service corporation is not  
26 required to provide infertility or pregnancy coverage specified in (a)  
27 of this section to the insured or subscriber but shall offer that  
28 coverage to the insured or subscriber; and

29 (2) if the disability insurance is a group policy and the

1 insured is an employer with fewer than 15 permanent, full-time employ-  
2 ees for each working day during each of at least 20 calendar work-  
3 weeks in the preceding 12 months, the insurer is not required to  
4 provide the infertility and pregnancy coverage specified in (a) of  
5 this section to the insured but shall offer that coverage to the  
6 insured.

7 (e) In this section

8 (1) "covered person" means the insured or subscriber or the  
9 insured or subscriber's covered spouse or dependent child;

10 (2) "experimental infertility procedure" means a procedure  
11 not yet recognized as generally accepted or nonexperimental by the  
12 American Fertility Society or the American College of Obstetrics and  
13 Gynecology;

14 (3) "infertility" means the condition of a presumably  
15 healthy individual who is unable to conceive or produce conception for  
16 a period of at least one year of unprotected intercourse before diag-  
17 nosis and treatment for infertility;

18 (4) "nonexperimental infertility procedure" means a proce-  
19 dure recognized as generally accepted or nonexperimental by the Ameri-  
20 can Fertility Society or the American Society of Obstetrics and Gyne-  
21 cology.

22 \* Sec. 2. AS 21.87.340 is amended to read:

23 Sec. 21.87.340. OTHER PROVISIONS APPLICABLE. In addition to the  
24 provisions contained or referred to previously in this chapter, the  
25 following chapters and provisions of this title also apply with re-  
26 spect to service corporations to the extent applicable and not in  
27 conflict with the express provisions of this chapter and the reason-  
28 able implications of the express provisions, and for the purposes of  
29 the application the corporations shall be considered to be mutual

1 "insurers":

2 (1) AS 21.03

3 (2) AS 21.06

4 (3) AS 21.09, except AS 21.09.090

5 (4) AS 21.18.010

6 (5) AS 21.18.030

7 (6) AS 21.18.040

8 (7) AS 21.18.120

9 (8) AS 21.21.321

10 (9) AS 21.36

11 (10) AS 21.69.400

12 (11) AS 21.69.520

13 (12) AS 21.69.600, 21.69.620, and 21.69.630

14 (13) AS 21.78

15 (14) AS 21.90

16 (15) AS 21.42.345 - 21.42.365 [AS 21.42.345 AND 21.42.355]

17 (16) AS 21.89.040

18 (17) AS 21.89.060.

19 \* Sec. 3. AS 21.42.365, enacted by sec. 1 of this Act, applies to  
20 disability insurance policies and to hospital service subscriber or medical  
21 service subscriber contracts entered into or renewed on or after the effec-  
22 tive date of this Act.