



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**SB2423**

Introduced 2/3/2004, by Ira I. Silverstein

**SYNOPSIS AS INTRODUCED:**

215 ILCS 5/356m

from Ch. 73, par. 968m

Amends the Illinois Insurance Code. In provisions requiring infertility coverage for procedures for in vitro fertilization, gamete intrafallopian tube transfer, or zygote intrafallopian tube transfer only if certain conditions exist, requires that the covered individual has not undergone 6 (now 4) completed oocyte retrievals.

LRB093 20769 SAS 46669 b

1 AN ACT concerning insurance.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Insurance Code is amended by  
5 changing Section 356m as follows:

6 (215 ILCS 5/356m) (from Ch. 73, par. 968m)  
7 Sec. 356m. Infertility coverage.

8 (a) No group policy of accident and health insurance  
9 providing coverage for more than 25 employees that provides  
10 pregnancy related benefits may be issued, amended, delivered,  
11 or renewed in this State after the effective date of this  
12 amendatory Act of 1991 unless the policy contains coverage for  
13 the diagnosis and treatment of infertility including, but not  
14 limited to, in vitro fertilization, uterine embryo lavage,  
15 embryo transfer, artificial insemination, gamete  
16 intrafallopian tube transfer, zygote intrafallopian tube  
17 transfer, and low tubal ovum transfer.

18 (b) The coverage required under subsection (a) is subject  
19 to the following conditions:

20 (1) Coverage for procedures for in vitro  
21 fertilization, gamete intrafallopian tube transfer, or  
22 zygote intrafallopian tube transfer shall be required only  
23 if:

24 (A) the covered individual has been unable to  
25 attain or sustain a successful pregnancy through  
26 reasonable, less costly medically appropriate  
27 infertility treatments for which coverage is available  
28 under the policy, plan, or contract;

29 (B) the covered individual has not undergone 6 4  
30 completed oocyte retrievals, except that if a live  
31 birth follows a completed oocyte retrieval, then 2 more  
32 completed oocyte retrievals shall be covered; and

1           (C) the procedures are performed at medical  
2 facilities that conform to the American College of  
3 Obstetric and Gynecology guidelines for in vitro  
4 fertilization clinics or to the American Fertility  
5 Society minimal standards for programs of in vitro  
6 fertilization.

7           (2) The procedures required to be covered under this  
8 Section are not required to be contained in any policy or  
9 plan issued to or by a religious institution or  
10 organization or to or by an entity sponsored by a religious  
11 institution or organization that finds the procedures  
12 required to be covered under this Section to violate its  
13 religious and moral teachings and beliefs.

14           (c) For purpose of this Section, "infertility" means the  
15 inability to conceive after one year of unprotected sexual  
16 intercourse or the inability to sustain a successful pregnancy.  
17 (Source: P.A. 89-669, eff. 1-1-97.)