



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

**HB3494**

Introduced 2/23/2005, by Rep. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

215 ILCS 5/356m

from Ch. 73, par. 968m

Amends the Illinois Insurance Code. Changes the definition of "infertility" to mean the presence of a demonstrated condition recognized by a licensed physician as a cause of infertility or the inability to conceive a pregnancy or carry a pregnancy to a live birth after a year or more of regular sexual relations without contraception. Effective immediately.

LRB094 10930 LJB 41501 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 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 (i)  
15 the presence of a demonstrated condition recognized by a  
16 licensed physician as a cause of infertility or (ii) the  
17 inability to conceive a pregnancy or carry a pregnancy to a  
18 live birth after a year or more of regular sexual relations  
19 without contraception ~~the inability to conceive after one year~~  
20 ~~of unprotected sexual intercourse or the inability to sustain a~~  
21 ~~successful pregnancy.~~

22 (Source: P.A. 89-669, eff. 1-1-97.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.