



General Assembly

**Substitute Bill No. 5206**

February Session, 2004

\*        HB05206INS        030504        \*

**AN ACT REQUIRING HEALTH INSURANCE COVERAGE FOR INFERTILITY TREATMENT AND PROCEDURES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2004*) Each individual health  
2 insurance policy providing coverage of the type specified in  
3 subdivisions (1), (2), (4), (11) and (12) of section 38a-469 of the general  
4 statutes delivered, issued for delivery, amended, renewed or  
5 continued in this state on or after October 1, 2004, that is provided by  
6 an employer for its employees shall provide coverage for the medically  
7 necessary expenses of the diagnosis and treatment of infertility. For  
8 purposes of this section, "infertility" means the condition of a  
9 presumably healthy individual who is unable to conceive or produce  
10 conception, or retain a pregnancy during a one-year period.

11       (b) (1) Notwithstanding any other provision of this section, any  
12 insurance company, hospital or medical service corporation, or health  
13 care center may issue to a religious employer an individual health  
14 insurance policy that excludes coverage for methods of diagnosis and  
15 treatment of infertility which are contrary to the religious employer's  
16 bona fide religious tenets.

17       (2) Notwithstanding any other provision of this section, upon the  
18 written request of an individual who states in writing that methods of  
19 diagnosis and treatment of infertility are contrary to such individual's

20 religious or moral beliefs, any insurance company, hospital or medical  
21 service corporation, or health care center may issue to or on behalf of  
22 the individual a policy or rider thereto that excludes coverage for such  
23 methods.

24 (c) Any health insurance policy issued pursuant to subsection (b) of  
25 this section shall provide written notice to each insured or prospective  
26 insured that methods of diagnosis and treatment of infertility are  
27 excluded from coverage pursuant to said subsection. Such notice shall  
28 appear, in not less than ten-point type, in the policy, application and  
29 sales brochure for such policy.

30 (d) As used in this section, "religious employer" means an employer  
31 that is a "qualified church-controlled organization", as defined in 26  
32 USC 3121 or a church-affiliated organization.

33 Sec. 2. Section 38a-536 of the general statutes is repealed and the  
34 following is substituted in lieu thereof (*Effective October 1, 2004*):

35 [Any insurance company, hospital service corporation or medical  
36 service corporation authorized to do the business of health insurance  
37 in this state shall offer to any individual, partnership, corporation or  
38 unincorporated association providing group hospital or medical  
39 insurance coverage for its employees a group hospital or medical  
40 service plan or contract providing coverage for the medically necessary  
41 expenses of the diagnosis and treatment of infertility, including in-  
42 vitro fertilization procedures.]

43 (a) Each group health insurance policy providing coverage of the  
44 type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-  
45 469 delivered, issued for delivery, amended, renewed or continued in  
46 this state on or after October 1, 2004, that is provided by an employer  
47 for its employees shall provide coverage for the medically necessary  
48 expenses of the diagnosis and treatment of infertility. For purposes of  
49 this section, "infertility" means the condition of a presumably healthy  
50 individual who is unable to conceive or produce conception, or retain a  
51 pregnancy during a one-year period.

52 (b) (1) Notwithstanding any other provision of this section, any  
53 insurance company, hospital or medical service corporation, or health  
54 care center may issue to a religious employer a group health insurance  
55 policy that excludes coverage for methods of diagnosis and treatment  
56 of infertility which are contrary to the religious employer's bona fide  
57 religious tenets.

58 (2) Notwithstanding any other provision of this section, upon the  
59 written request of an individual who states in writing that methods of  
60 diagnosis and treatment of infertility are contrary to such individual's  
61 religious or moral beliefs, any insurance company, hospital or medical  
62 service corporation, or health care center may issue to or on behalf of  
63 the individual a policy or rider thereto that excludes coverage for such  
64 methods.

65 (c) Any health insurance policy issued pursuant to subsection (b) of  
66 this section shall provide written notice to each insured or prospective  
67 insured that methods of diagnosis and treatment of infertility are  
68 excluded from coverage pursuant to said subsection. Such notice shall  
69 appear, in not less than ten-point type, in the policy, application and  
70 sales brochure for such policy.

71 (d) As used in this section, "religious employer" means an employer  
72 that is a "qualified church-controlled organization", as defined in 26  
73 USC 3121 or a church-affiliated organization.

This act shall take effect as follows:	
Section 1	October 1, 2004
Sec. 2	October 1, 2004

**Statement of Legislative Commissioners:**

Sections were reorganized and rewritten for accuracy of reference and consistency with the general statutes.

**INS**      *Joint Favorable Subst.*