

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 726

Introduced by Wayne, 13.

Read first time January 03, 2018

Committee: Banking, Commerce and Insurance

1 A BILL FOR AN ACT relating to insurance; to require insurance coverage

2 for in vitro fertilization procedures as prescribed.

3 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Subject to subsections (2) and (3) of this section
2 and notwithstanding section 44-3,131, (a) any individual or group
3 sickness and accident insurance policy, certificate, or subscriber
4 contract delivered, issued for delivery, or renewed in this state and any
5 hospital, medical, or surgical expense-incurred policy, except for
6 policies that provide coverage for a specified disease or other limited-
7 benefit coverage, and (b) any self-funded employee benefit plan to the
8 extent not preempted by federal law that provides coverage for pregnancy-
9 related procedures shall provide coverage on an expense incurred,
10 service, or prepaid basis for outpatient expenses that arise from in
11 vitro fertilization procedures. Benefits for in vitro fertilization
12 procedures required under this section must be provided to the same
13 extent as benefits provided for other pregnancy-related procedures under
14 the policy, certificate, contract, or plan.

15 (2) Coverage for in vitro fertilization procedures shall be required
16 under this section only if:

17 (a) The patient for the in vitro fertilization procedure is an
18 individual covered under the policy, certificate, contract, or plan;

19 (b) The fertilization or attempted fertilization of the patient's
20 oocytes is made only with the sperm of the patient's spouse;

21 (c) The patient and the patient's spouse have a history of
22 infertility or the infertility is associated with:

23 (I) Endometriosis;

24 (II) Exposure in utero to diethylstilbestrol;

25 (III) Blockage of or surgical removal of one or both fallopian
26 tubes; or

27 (IV) Oligospermia;

28 (d) The patient has been unable to attain a successful pregnancy
29 through any less costly applicable infertility treatments for which
30 coverage is available under the policy, certificate, contract, or plan;

31 and

1 (e) The in vitro fertilization procedures are performed at a medical
2 facility that conforms to the minimal standards for programs of in vitro
3 fertilization adopted by the American Society for Reproductive Medicine.

4 (3) An insurer, health maintenance organization, or self-insuring
5 employer that is owned by or that is part of an entity, group, or order
6 that is directly affiliated with a bona fide religious denomination that
7 includes as an integral part of its beliefs and practices that in vitro
8 fertilization is contrary to moral principles that the religious
9 denomination considers to be an essential part of its beliefs is not
10 required to offer coverage for in vitro fertilization procedures.

11 (4) The Department of Insurance may adopt and promulgate rules and
12 regulations to carry out this section.