SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 3627

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 18, 2023

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 3627.

As amended, this bill updates current law on health insurance coverage of infertility by requiring certain health insurance carriers (including hospital service corporations, medical service corporations, health service corporations, and health maintenance organizations authorized to issue health benefits plans in New Jersey, commercial group health insurance providers, and any entities contracted to administer health benefits in connection with the State Health Benefits Program and School Employees' Health Benefits Program) to cover infertility services for a partner of a person who has successfully reversed a voluntary sterilization. The bill also requires health insurance carriers to cover any services related to infertility in accordance with American Society for Reproductive Medicine guidelines and as determined by a physician, including intrauterine insemination, genetic testing, in vitro fertilization using donor eggs, in vitro fertilization where the embryo is transferred to a gestational carrier or surrogate, and unlimited embryo transfers, in accordance with guidelines from the American Society for Reproductive Medicine, and any other services related to infertility recommended by a physician. Additionally, the bill revises the current statutory definition of "infertility" and adds a definition of "treatment of infertility."

The bill also provides that nothing in the definition of "infertility" may be used to deny or delay treatment to any individual, regardless of relationship status or sexual orientation and prohibits health insurance carriers from imposing restrictions concerning the coverage of infertility services based on age.

Finally, the bill excludes coverage for infertility services if an individual's infertility resulted solely from a voluntary unreversed sterilization; provided, however, that coverage for infertility services shall not be excluded if the voluntary sterilization is successfully reversed.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) remove provisions that would have added coverage for the treatment of infertility to the individual and small employer health insurance markets;

(2) require health insurance carriers to cover any services related to infertility in accordance with American Society for Reproductive Medicine guidelines and as determined by a physician;

(3) change the definition of "infertility" as used in the bill;

(4) stipulate that nothing in the definition of "infertility" may be used to deny or delay treatment to any individual, regardless of relationship status or sexual orientation;

(5) prohibit health insurance carriers from imposing restrictions concerning the coverage of infertility services based on age;

(6) clarify the infertility services for which health insurance carriers are required to provide coverage;

(7) provide that coverage for in vitro fertilization includes in vitro fertilization using donor eggs and in vitro fertilization where the embryo is transferred to a gestational carrier or surrogate; and

(8) extend the effective date of the bill.