

SECOND REGULAR SESSION

HOUSE BILL NO. 3244

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOYKO.

6281H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 1.205, RSMo, and to enact in lieu thereof two new sections relating to assisted reproductive technology.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 1.205, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 1.205 and 376.1211, to read as follows:

1.205. 1. The general assembly of this state finds that:

(1) The life of each human being begins at conception;

(2) Unborn children have protectable interests in life, health, and well-being;

(3) The natural parents of unborn children have protectable interests in the life, health, and well-being of their unborn child.

2. Effective January 1, 1988, the laws of this state shall be interpreted and construed to acknowledge on behalf of the unborn child at every stage of development, all the rights, privileges, and immunities available to other persons, citizens, and residents of this state, subject only to the Constitution of the United States, and decisional interpretations thereof by the United States Supreme Court and specific provisions to the contrary in the statutes and constitution of this state.

3. As used in this section, the term "unborn children" or "unborn child" shall include all unborn child or children or the offspring of human beings from the moment of conception until birth at every stage of biological development, **but shall not apply to human embryos created through assisted reproductive technology including, but not limited to, in vitro fertilization, prior to successful implantation in the uterus.**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 4. Nothing in this section shall be interpreted as creating a cause of action against a
18 woman for indirectly harming her unborn child by failing to properly care for herself or by
19 failing to follow any particular program of prenatal care.

376.1211. 1. As used in this section, the following terms shall mean:

2 (1) "Health benefit plan", the same meaning given to the term in section
3 376.1350;

4 (2) "Infertility", a disease, condition, or status characterized by:

5 (a) The inability to achieve a successful pregnancy based on a patient's medical,
6 sexual, and reproductive history; age; physical findings; diagnostic testing; or any
7 combination thereof;

8 (b) The need for medical intervention, such as the use of donor gametes or donor
9 embryos, to achieve a successful pregnancy either as an individual or with a partner; or

10 (c) An inability to conceive or sustain a successful pregnancy after regular,
11 unprotected sexual intercourse for:

12 a. Twelve months for women under thirty-five years of age; or

13 b. Six months for women thirty-five years of age or older.

14 2. No health benefit plan providing coverage for more than twenty-five
15 employees that provides pregnancy-related benefits shall be delivered, issued for
16 delivery, continued, amended, or renewed in this state on or after January 1, 2027,
17 unless the plan includes coverage for the diagnosis and treatment of infertility.
18 Coverage shall include, but is not limited to, in vitro fertilization, embryo transfer,
19 artificial insemination, and medically necessary oocyte cryopreservation for patients
20 undergoing medical treatments known to cause significant impairment of fertility, such
21 as chemotherapy.

22 3. Coverage for in vitro fertilization shall be required under this section only if:

23 (1) The covered individual has been unable to achieve or sustain a successful
24 pregnancy through less costly, medically appropriate infertility treatments covered
25 under the health benefit plan;

26 (2) The covered individual has not undergone four completed oocyte retrievals,
27 except that if a live birth follows a completed oocyte retrieval, two additional oocyte
28 retrievals shall be covered; and

29 (3) The procedures are performed at facilities that conform to the guidelines for
30 in vitro fertilization clinics issued by the American College of Obstetricians and
31 Gynecologists or to the minimal standards for in vitro fertilization programs issued by
32 the American Society for Reproductive Medicine.

33 **4. Any individual who meets the requirements for coverage under subsection 2**
34 **of this section for any procedure other than in vitro fertilization shall not be required to**
35 **meet any other conditions for approval of such coverage.**

36 **5. Coverage for the procedures specified in this section is not required in any**
37 **health benefit plan issued to or by a religious institution or organization, or to or by an**
38 **entity sponsored by a religious institution or organization, that finds the procedures to**
39 **violate its religious and moral teachings and beliefs.**

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