

SENATE AMENDMENTS TO SENATE BILL 242

By COMMITTEE ON HEALTH CARE

April 15

- 1 In line 2 of the printed bill, after “care” delete the rest of the line and insert a period.
2 Delete lines 4 through 19 and insert:
3 **“SECTION 1. Section 2 of this 2019 Act is added to and made a part of the Insurance**
4 **Code.**
5 **“SECTION 2. (1) As used in this section:**
6 **“(a) ‘Assisted reproduction’ has the meaning given that term in ORS 109.239.**
7 **“(b) ‘Childbirth’ means labor, delivery and medically necessary postpartum care for at**
8 **least six weeks after delivery.**
9 **“(c) ‘Health benefit plan’ has the meaning given that term in ORS 743B.005, excluding**
10 **health benefit plans sponsored by employers for their employees.**
11 **“(d) ‘Intended parent’ means an individual who enters into a surrogacy agreement with**
12 **a surrogate to be the legal parent of the child born to the surrogate from assisted reproduc-**
13 **tion.**
14 **“(e) ‘Pregnancy care’ means the care necessary to support a healthy pregnancy.**
15 **“(f) ‘Surrogacy agreement’ means an agreement between a woman and an intended par-**
16 **ent or intended parents in which the woman agrees to become pregnant through assisted**
17 **reproduction and to relinquish the resulting child to the intended parent or parents.**
18 **“(g) ‘Surrogate’ means a woman who enters into a surrogacy agreement to become**
19 **pregnant by assisted reproduction.**
20 **“(2) A health benefit plan that provides payment or reimbursement for the costs of**
21 **pregnancy and childbirth must provide payment or reimbursement for the expenses of preg-**
22 **nancy care and childbirth for an enrollee who is a surrogate.**
23 **“(3) A health benefit plan may not require a surrogate, as a condition of coverage under**
24 **the health benefit plan, to:**
25 **“(a) Reimburse the insurer offering the health benefit plan for the cost of services de-**
26 **scribed in subsection (2) of this section that are paid or reimbursed by the insurer;**
27 **“(b) Assign to the insurer the right to receive payments from an intended parent under**
28 **a surrogacy agreement to recover the cost of services paid or reimbursed by the insurer; or**
29 **“(c) Agree to any term that has the effect of negating the payment or reimbursement**
30 **by the insurer for the cost of services described in subsection (2) of this section.**
31 **“(4) Any term in a policy or certificate that is in violation of subsection (3) of this section**
32 **shall be deemed to be contrary to public policy and void.**
33 **“SECTION 3. Section 2 of this 2019 Act applies to health benefit plans issued, renewed**
34 **or extended on or after the effective date of this 2019 Act.”.**
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