

SENATE AMENDMENTS TO SENATE BILL 535

By COMMITTEE ON HEALTH CARE

April 16

1 On page 1 of the printed bill, line 2, after “ORS” insert “731.292, 731.804 and”.

2 On page 2, delete lines 18 through 42 and insert:

3 “(A) A minimum of three completed oocyte retrievals with unlimited embryo transfers in ac-
4 cordance with guidelines of the American Society for Reproductive Medicine, or a successor or-
5 ganization, using single embryo transfer if recommended by a licensed treating practitioner and
6 medically effective.

7 “(B) Six completed egg retrievals per lifetime, with unlimited embryo transfers in accordance
8 with the guidelines of the American Society for Reproductive Medicine, using single embryo transfer
9 when recommended and medically appropriate.

10 “(C) Assisted hatching.

11 “(D) Cryopreservation and thawing of embryos.

12 “(E) Embryo biopsy.

13 “(F) Fresh and frozen embryo transfers.

14 “(G) Storage of embryos.

15 “(H) In vitro fertilization, including in vitro fertilization using donor eggs, sperm or embryos,
16 and in vitro fertilization in which the embryo is transferred to a gestational carrier or surrogate.

17 “(I) Intracytoplasmic sperm injection.

18 “(J) Storage of oocytes, sperm and tissue.

19 “(K) Intrauterine insemination.

20 “(L) Cryopreservation of ovarian tissue.

21 “(M) Cryopreservation of testicular tissue.

22 “(N) Cryopreservation and thawing of eggs and sperm.

23 “(O) Consultation and diagnostic testing.

24 “(P) Medications.

25 “(Q) Ovulation induction.

26 “(R) Surgery, including microsurgical sperm aspiration.

27 “(S) Medical and laboratory services that reduce excess embryo creation through egg
28 cryopreservation and thawing.”.

29 On page 3, after line 11, insert:

30 “(6) This section does not require a health benefit plan offered by an insurer described in ORS
31 743A.067 (7)(e) to reimburse the cost of:

32 “(a) Embryo transfer procedures as part of the coverages described in subsection (3)(a)(A) and
33 (B) of this section; and

34 “(b) Procedures described in subsection (3)(a)(C) to (I) of this section.”.

35 In line 12, delete “6” and insert “7”.

1 In line 24, delete "September 15, 2026" and insert "February 15, 2027" and after the second
2 "the" insert "committees or".

3 After line 37, insert:

4 **"SECTION 4. (1) The Department of Consumer and Business Services shall administer a**
5 **program to provide reimbursement for the costs of procedures described in section 2 (6) of**
6 **this 2025 Act that are incurred by individuals enrolled in health benefit plans described in**
7 **ORS 743A.067 (7)(e). The department shall establish application processes for the program**
8 **and contract with a third party administrator or health insurance carrier to process claims**
9 **for enrollees in the program.**

10 **"(2) The department may adopt rules necessary to carry out the provisions of this sec-**
11 **tion."**

12 In line 38, delete "4" and insert "5".

13 On page 7, after line 3, insert:

14 **"SECTION 6. The Market Equity Fund is established in the State Treasury, separate and**
15 **distinct from the General Fund, consisting of moneys collected from the portion of assess-**
16 **ments imposed under ORS 731.804 (3) for the costs of administering the program described**
17 **in section 4 of this 2025 Act. Interest earned by the Market Equity Fund shall be credited**
18 **to the fund. Moneys in the Market Equity Fund are continuously appropriated to the De-**
19 **partment of Consumer and Business Services to carry out the provisions of section 4 of this**
20 **2025 Act.**

21 **"SECTION 7. ORS 731.292 is amended to read:**

22 **"731.292. (1) Except as provided in subsections (2), (3), [and] (4) and (5) of this section, all fees,**
23 **charges and other moneys received by the Department of Consumer and Business Services or the**
24 **Director of the Department of Consumer and Business Services under the Insurance Code shall be**
25 **deposited in the fund created by ORS 705.145 and are continuously appropriated to the department**
26 **for the payment of the expenses of the department in carrying out the Insurance Code.**

27 **"(2) All taxes and penalties paid pursuant to the Insurance Code shall be paid to the director**
28 **and after deductions of refunds shall be paid by the director to the State Treasurer, at the end of**
29 **every calendar month or more often in the director's discretion, for deposit in the General Fund to**
30 **become available for general governmental expenses.**

31 **"(3) All premium taxes received by the director pursuant to ORS 731.820 shall be paid by the**
32 **director to the State Treasurer for deposit in the State Fire Marshal Fund.**

33 **"(4) Assessments received by the department under sections 3 and 5, chapter 538, Oregon Laws**
34 **2017, and penalties received by the department under section 6, chapter 538, Oregon Laws 2017,**
35 **shall be paid into the State Treasury and credited to the Health System Fund established under**
36 **section 2, chapter 538, Oregon Laws 2017.**

37 **"(5) Assessments received by the department under ORS 731.804 (3) shall be paid to the**
38 **Market Equity Fund established under section 6 of this 2025 Act.**

39 **"SECTION 8. ORS 731.804 is amended to read:**

40 **"731.804. (1) Except as otherwise provided in this section, each authorized insurer doing busi-**
41 **ness in this state shall pay assessments that the Director of the Department of Consumer and**
42 **Business Services determines are necessary to support the legislatively authorized budget of the**
43 **Department of Consumer and Business Services with respect to functions of the department under**
44 **the Insurance Code. The director shall determine the assessments according to one or more per-**
45 **centage rates established by the director by rule. The director shall specify in the rule when as-**

1 assessments shall be made and payments shall be due. The premium-weighted average of the
2 percentage rates may not exceed nine-hundredths of one percent of the gross amount of premiums
3 received by an insurer or the insurer's insurance producers from and under the insurer's policies
4 covering direct domestic risks, after deducting the amount of return premiums paid and the amount
5 of dividend payments made to policyholders with respect to such policies. In the case of reciprocal
6 insurers, the amount of savings paid or credited to the accounts of subscribers shall be deducted
7 from the gross amount of premiums. In establishing the percentage rate or rates, the director shall
8 use the most recent premium data approved by the director. In establishing the amounts to be col-
9 lected under this subsection, the director shall take into consideration the expenses of the depart-
10 ment for administering the Insurance Code and the fees collected under subsection (2) of this
11 section. When the director establishes two or more percentage rates:

12 “(a) Each rate shall be based on such expenses of the department ascribed by the director to
13 the line of insurance for which the rate is established.

14 “(b) Each rate shall be applied to the gross amount of premium received by an insurer or its
15 insurance producers for the applicable line of insurance as provided in this subsection.

16 “(2) The director may collect fees for specific services provided by the department under the
17 Insurance Code according to a schedule of fees established by the director by rule. The director may
18 collect such fees in advance. In establishing the schedule for fees, the director shall take into con-
19 sideration the cost of each service for which a fee is imposed.

20 “(3)(a) Notwithstanding the provisions of ORS 743A.067 (7)(e) and 743A.067 (9), for the purpose
21 of mitigating inequity in the health insurance market, the director may assess a fee on any insurer
22 that offers a health benefit plan, as defined in ORS 743B.005, that is exempt from a provision of ORS
23 chapter 743A or other provision of the Insurance Code that requires specified coverage by health
24 benefit plans.

25 “(b) Any fees collected under paragraph (a) of this subsection must be the actuarial equivalent
26 of costs attributed to the provision and administration of the required coverage by an insurer that
27 is not exempt.

28 “(c) Nothing in this section limits the authority of the director to enforce the provisions of ORS
29 chapter 743A if an insurer unlawfully fails to comply.

30 “(d) Notwithstanding ORS 646A.628, fees paid in accordance with paragraph (a) of this sub-
31 section shall be deposited in the [*General Fund to become available for general governmental*
32 *expenses*] **Market Equity Fund established under section 6 of this 2025 Act.**

33 “(4) Establishment and amendment of the schedule of fees under subsection (2) of this section
34 are subject to prior approval of the Oregon Department of Administrative Services and shall be
35 within the budget authorized by the Legislative Assembly as that budget may be modified by the
36 Emergency Board.

37 “(5) The director may not collect an assessment under subsection (1) of this section from any
38 of the following persons:

39 “(a) A fraternal benefit society complying with ORS chapter 748.

40 “(b) Any person or class of persons designated by the director by rule.

41 “(6) The director may not collect an assessment under subsection (1) of this section with respect
42 to premiums received from any of the following policies:

43 “(a) Workers' compensation insurance policies.

44 “(b) Wet marine and transportation insurance policies.

45 “(c) Any category of policies designated by the director by rule.”.

- 1 In line 4, delete “5” and insert “9”.
- 2 In line 6, delete “6” and insert “10” and delete “4” and insert “5”.
- 3 In line 8, delete “7” and insert “11” and delete “January 2, 2027” and insert “June 30, 2028”.
- 4 In line 9, delete “8” and insert “12”.
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