

A-Engrossed
Senate Bill 242

Ordered by the Senate April 15
Including Senate Amendments dated April 15

Sponsored by Senator MONNES ANDERSON, Representative PILUSO; Senators BURDICK, DEMBROW, FAGAN, FREDERICK, GELSER, HANSELL, MANNING JR, RILEY, ROBLAN, TAYLOR, WAGNER, Representatives DOHERTY, EVANS, GREENLICK, HOLVEY, SALINAS, SANCHEZ, SCHOUTEN, SMITH G, SOLLMAN, WITT (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires health benefit plan, [*coverage*] **other than employer-sponsored plan, that covers cost of pregnancy care and childbirth to cover cost of pregnancy care and childbirth** for [*surrogate mothers*] **enrollee who is surrogate. Prohibits plan from requiring enrollee to reimburse plan for plan's costs or to assign to plan right to receive surrogacy payment.**

A BILL FOR AN ACT

1
2 Relating to maternity care.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of the Insurance 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 preg-**
21 **nancy and childbirth must provide payment or reimbursement for the expenses of pregnancy**
22 **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-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 scribed in subsection (2) of this section that are paid or reimbursed by the insurer;

2 (b) Assign to the insurer the right to receive payments from an intended parent under
3 a surrogacy agreement to recover the cost of services paid or reimbursed by the insurer; or

4 (c) Agree to any term that has the effect of negating the payment or reimbursement by
5 the insurer for the cost of services described in subsection (2) of this section.

6 (4) Any term in a policy or certificate that is in violation of subsection (3) of this section
7 shall be deemed to be contrary to public policy and void.

8 SECTION 3. Section 2 of this 2019 Act applies to health benefit plans issued, renewed or
9 extended on or after the effective date of this 2019 Act.

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