

Requested by Senator MONNES ANDERSON

**PROPOSED AMENDMENTS TO
SENATE BILL 242**

1 In line 2 of the printed bill, after “care” delete the rest of the line and
2 insert a period.

3 Delete lines 4 through 19 and insert:

4 **“SECTION 1. Section 2 of this 2019 Act is added to and made a part**
5 **of the Insurance Code.**

6 **“SECTION 2. (1) As used in this section:**

7 **“(a) ‘Assisted reproduction’ has the meaning given that term in**
8 **ORS 109.239.**

9 **“(b) ‘Childbirth’ means labor, delivery and medically necessary**
10 **postpartum care for at least six weeks after delivery.**

11 **“(c) ‘Health benefit plan’ has the meaning given that term in ORS**
12 **743B.005.**

13 **“(d) ‘Intended parent’ means an individual who enters into a**
14 **surrogacy agreement with a surrogate to be the legal parent of the**
15 **child born to the surrogate from assisted reproduction.**

16 **“(e) ‘Pregnancy care’ means the care necessary to support a healthy**
17 **pregnancy.**

18 **“(f) ‘Surrogacy agreement’ means an agreement between a woman**
19 **and an intended parent or intended parents in which the woman**
20 **agrees to become pregnant through assisted reproduction and to re-**
21 **linquish the resulting child to the intended parent or parents.**

1 “(g) ‘Surrogate’ means a woman who enters into a surrogacy
2 agreement to become pregnant by assisted reproduction.

3 “(2) A health benefit plan that provides payment or reimbursement
4 for the costs of pregnancy and childbirth must provide payment or
5 reimbursement for the expenses of pregnancy care and childbirth for
6 an enrollee who is a surrogate.

7 “(3) A health benefit plan may not require a surrogate, as a condi-
8 tion of coverage under the health benefit plan, to:

9 “(a) Reimburse the insurer offering the health benefit plan for the
10 cost of services described in subsection (2) of this section that are paid
11 or reimbursed by the insurer;

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

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

18 “(4) Any term in a policy or certificate that is in violation of sub-
19 section (3) of this section shall be deemed to be contrary to public
20 policy and void.

21 “SECTION 3. Section 2 of this 2019 Act applies to health benefit
22 plans issued, renewed or extended on or after the effective date of this
23 2019 Act.”.

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