

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, excluding health benefit plans sponsored by employers for**  
13 **their employees.**

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

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

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

1 **linquish the resulting child to the intended parent or parents.**

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

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

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

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

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

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

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

22 **“SECTION 3. Section 2 of this 2019 Act applies to health benefit**  
23 **plans issued, renewed or extended on or after the effective date of this**  
24 **2019 Act.”**

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