
BILL NO: House Bill 781
TITLE: Health Insurance – In Vitro Fertilization - Revisions
COMMITTEE: Health and Government Operations
HEARING DATE: February 13, 2020
POSITION: **SUPPORT**

The Women's Law Center of Maryland is a statewide, non-profit law firm that provides direct legal representation to survivors of domestic violence and advocates legislatively on issues related to the physical safety, economic security, and bodily autonomy of women in Maryland. Part of that advocacy includes supporting all women in their reproductive choices so that they are able to build their families how and when they want. House Bill 781 is a small bill that updates Maryland's current provisions regarding insurance coverage for in vitro fertilization (IVF) so that it matches our beliefs regarding equity as well as current medical standards.

There are two changes in the law that HB 781 seeks to create. The first is to ensure that all women, regardless of their marital status, are able to avail themselves of insurance coverage for IVF procedures. Currently, the law is restricted to married individuals only, ignoring that couples, particularly those who have been previously married, may wish to start a family together without entering into a new marital relationship, or that single individuals may not wish to wait until marriage before having children. These choices are often considered in light of the fact that infertility rates increase exponentially as women age, and waiting until marriage may mean some women will have to forgo the opportunity to have children of their own. The WLC feels that excluding unmarried individuals from the coverage is an unfair practice, with no legal or medical rationale.

The second issue HB 781 seeks to address is the length of time a patient must wait before accessing IVF coverage. Infertility is defined by the American College of Obstetrics and Gynecology, and the American Society for Reproductive Medicine, as an inability to establish a pregnancy after twelve months of regular attempts to conceive. Yet Maryland's current law states that infertility is demonstrated by "intercourse of at least 2 years' duration failing to result in pregnancy". HB 781 would change the definition, from 2 years to 1 year, to match current clinical guidelines. It would further make the necessary corresponding reduction to the number of failed attempts of Intrauterine Insemination (IUI) from six to three.

These changes are practical ways to bring Maryland's laws regarding artificial reproductive technology up to date with our belief system and the medical field. They will allow all individuals who wish to start a family access to the same benefits, regardless of their marital status. The WLC respects and supports the rights of all Marylanders to create their families on their own terms and HB 781 will help them achieve those goals.

Therefore, the Women's Law Center of Maryland, Inc. urges an favorable report on House Bill 781.