

304.17A-261 Coverage under health benefit plan for oocyte and sperm preservation services. (Effective January 1, 2025)

- (1) As used in this section:
 - (a) "Health benefit plan" has the same meaning as in KRS 304.17A-005, except that for purposes of this section, the term includes student health insurance offered by a Kentucky-licensed insurer under written contract with a university or college whose students it proposes to insure;
 - (b) "Iatrogenic infertility" means an impairment of fertility caused by surgery, radiation, chemotherapy, or any other medical treatment affecting reproductive organs or processes;
 - (c) "May directly or indirectly cause" means the treatment has a likely side effect of infertility as established by the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or any other reputable professional medical organization;
 - (d) "Oocyte and sperm preservation services" means oocyte and sperm preservation procedures that are consistent with established medical practices and professional guidelines published by the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or any other reputable professional medical organization; and
 - (e) "Religious organization" includes but is not limited to a religious group, corporation, association, school or educational institution, ministry, order, society, or similar entity, regardless of whether it is integrated or affiliated with a church or other house of worship.
- (2) Except as provided in subsection (5) of this section, all health benefit plans shall provide coverage for oocyte and sperm preservation services when a medically necessary treatment may directly or indirectly cause iatrogenic infertility to an insured.
- (3) The coverage required by subsection (2) of this section:
 - (a) Shall include:
 1. Evaluation expenses;
 2. Laboratory assessments; and
 3. Medications and treatment associated with oocyte and sperm cryopreservation procedures, including obtaining, freezing, and storing gametes for up to one (1) year; and
 - (b) May:
 1. Exclude costs associated with storage of oocytes or sperm after one (1) year;
 2. Include age restrictions in accordance with guidelines set forth by the American Society for Reproductive Medicine or the American Society of Clinical Oncology;
 3. Include a lifetime limit of one (1) oocyte or sperm cryopreservation procedure per eligible insured; and
 4. Be limited to nonexperimental procedures, as defined by the American

Society for Reproductive Medicine or the American Society of Clinical Oncology.

- (4) Procedures covered by this section shall:
 - (a) Be performed at a health facility licensed or certified in Kentucky or another state; and
 - (b) Conform to the guidelines of the American Society for Reproductive Medicine or the American Society of Clinical Oncology.
- (5) This section shall not apply to an employer-sponsored health benefit plan if the employer is a religious organization.

Effective: January 1, 2025

History: Created 2023 Ky. Acts ch. 30, sec. 1, effective January 1, 2025.

Legislative Research Commission Note (1/1/2025). 2023 Ky. Acts ch. 30, sec. 7, provides that this statute shall apply to policies, certificates, plans, and contracts issued or renewed on or after January 1, 2025.