

1 AN ACT relating to coverage for fertility preservation services.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304
4 IS CREATED TO READ AS FOLLOWS:

5 *(1) As used in this section, "iatrogenic infertility" means an impairment of fertility*
6 *by surgery, radiation, chemotherapy, or other medical treatment affecting*
7 *reproductive organs and processes.*

8 *(2) Any health benefit plan issued or renewed on or after the effective date of this*
9 *Act, that provides coverage for cancer-related health care services shall, prior to a*
10 *medically necessary cancer treatment, also provide coverage for the medically*
11 *necessary expenses of standard fertility preservation services when the medically*
12 *necessary cancer treatment may directly or indirectly cause iatrogenic infertility*
13 *to an insured.*

14 *(3) The coverage required by subsection (2) of this section:*

15 *(a) Shall include:*

- 16 *1. Evaluation expenses;*
17 *2. Laboratory assessments; and*
18 *3. Medications and treatment associated with oocyte and sperm*
19 *cryopreservation procedures, including costs for first year storage;*

20 *(b) Shall not include costs associated with:*

- 21 *1. Storage of oocytes or sperm after one (1) year; or*
22 *2. Use of gametes in other procedures, including but not limited to*
23 *artificial insemination or in vitro fertilization;*

24 *(c) Shall not be limited to fewer than two (2) attempts to procure potentially*
25 *viable eggs or sperm per medically necessary cancer treatment that may*
26 *result in iatrogenic infertility, unless the provider determines that sufficient*
27 *eggs or sperm were retrieved on the first attempt; and*

1 (d) May be limited to insureds that have reached puberty and do not exceed the
2 age of forty-two (42).

3 (4) A health benefit plan that provides prescription drug coverage shall also provide
4 coverage for medications associated with oocyte and sperm cryopreservation
5 procedures.

6 (5) Procedures covered by this section shall:

7 (a) Be performed at a health facility licensed or certified in Kentucky or
8 another state; and

9 (b) If applicable, conform with the guidelines of the American Society of
10 Clinical Oncology and the American Society of Reproductive Medicine.

11 ➔Section 2. This Act takes effect on January 1, 2018.