

1 AN ACT relating to coverage for medically necessary 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:

6 (a) "Iatrogenic infertility" means an impairment of fertility caused by surgery,
7 radiation, chemotherapy, or any other medical treatment affecting
8 reproductive organs and processes;

9 (b) "May directly or indirectly cause" means treatment with a likely side effect
10 of infertility as established by the American Society for Reproductive
11 Medicine, the American Society of Clinical Oncology, or other reputable
12 professional organizations; and

13 (c) "Standard fertility preservation services" means procedures consistent with
14 established medical practices and professional guidelines published by the
15 American Society for Reproductive Medicine, the American Society of
16 Clinical Oncology, or other reputable professional medical organizations.

17 (2) Any health benefit plan in the individual, small group, or large group market
18 issued or renewed on or after the effective date of this Act, that provides coverage
19 for hospital, medical, or surgical expenses, shall include coverage for standard
20 fertility preservation services when a necessary medical treatment may directly or
21 indirectly cause iatrogenic infertility to an insured.

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

23 (a) Shall include:

24 1. Evaluation expenses;

25 2. Laboratory assessments; and

26 3. Medications and treatment associated with oocyte and sperm
27 cryopreservation procedures, including obtaining, freezing, and

- 1 storing gametes for up to one (1) year;
- 2 (b) Shall not include costs associated with storage of oocytes or sperm after one
- 3 (1) year;
- 4 (c) May be limited to:
- 5 1. Age restrictions in accordance with the guidelines set forth by the
- 6 American Society of Clinical Oncology or the American Society of
- 7 Reproductive Medicine;
- 8 2. A lifetime limit of one (1) oocyte or sperm cryopreservation procedure
- 9 per eligible insured individual; and
- 10 3. Nonexperimental procedures as defined by the American Society of
- 11 Clinical Oncology or the American Society of Reproductive Medicine;
- 12 and
- 13 (d) Shall not be required to be provided or included in any employer-sponsored
- 14 health benefit plan offered by an employer to its employees if the employer
- 15 is a religious organization. Religious organization includes but is not
- 16 limited to a religious group, corporation, association, school or educational
- 17 institution, ministry, order, society, or similar entity, regardless of whether it
- 18 is integrated or affiliated with a church or other house of worship.
- 19 (4) Procedures covered by this section shall:
- 20 (a) Be performed at a health facility licensed or certified in Kentucky or
- 21 another state; and
- 22 (b) Conform with the guidelines of the American Society of Clinical Oncology
- 23 or the American Society of Reproductive Medicine.