

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 issued or renewed on or after the effective date of this  
18 Act, that provides coverage for hospital, medical, or surgical expenses, shall  
19 include coverage for standard fertility preservation services when a necessary  
20 medical treatment may directly or indirectly cause iatrogenic infertility to an  
21 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; and**
- 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           **(4) Procedures covered by this section shall:**
- 13                   **(a) Be performed at a health facility licensed or certified in Kentucky or**
- 14                                   **another state; and**
- 15                   **(b) Conform with the guidelines of the American Society of Clinical Oncology**
- 16                                   **or the American Society of Reproductive Medicine.**