

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 medical 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 for Reproductive Medicine or the American Society**
- 7 **of Clinical Oncology;**
- 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 for**
- 11 **Reproductive Medicine or the American Society of Clinical Oncology;**
- 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. As used in this paragraph, "religious**
- 16 **organization" includes but is not limited to a religious group, corporation,**
- 17 **association, school or educational institution, ministry, order, society, or**
- 18 **similar entity, regardless of whether it is integrated or affiliated with a**
- 19 **church or other house of worship.**
- 20 **(4) Procedures covered by this section shall:**
- 21 **(a) Be performed at a health facility licensed or certified in Kentucky or**
- 22 **another state; and**
- 23 **(b) Conform with the guidelines of the American Society for Reproductive**
- 24 **Medicine or the American Society of Clinical Oncology.**

25 ➔Section 2. This Act takes effect January 1, 2020.