AN ACT relating to coverage for medically necessary fertility preservation services.

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

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

(1) As used in this section:

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

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

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

(2) Any health benefit plan in the individual, small group, or large group market issued or renewed on or after the effective date of this Act, that provides coverage for hospital, medical, or surgical expenses, shall include coverage for standard fertility preservation services when a necessary medical 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
(b) Shall not include costs associated with storage of oocytes or sperm after one (1) year;

(c) May be limited to:

1. Age restrictions in accordance with the guidelines set forth by the American Society for Reproductive Medicine or the American Society of Clinical Oncology;

2. A lifetime limit of one (1) oocyte or sperm cryopreservation procedure per eligible insured individual; and

3. Nonexperimental procedures as defined by the American Society for Reproductive Medicine or the American Society of Clinical Oncology;

(d) Shall not be required to be provided or included in any employer-sponsored health benefit plan offered by an employer to its employees if the employer is a religious organization. As used in this paragraph, "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.

(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 with the guidelines of the American Society for Reproductive Medicine or the American Society of Clinical Oncology.

Section 2. This Act takes effect January 1, 2021.