

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, 2021.