# **SENATE BILL 918**

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7lr3236 CF HB 876

#### By: **Senator Mathias** Introduced and read first time: February 3, 2017 Assigned to: Finance

## A BILL ENTITLED

### 1 AN ACT concerning

# Health Insurance - Coverage of Fertility Preservation Procedures for Iatrogenic Infertility

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health
maintenance organizations that provide certain benefits under certain insurance
policies or contracts to provide coverage for certain fertility preservation procedures;
providing for the application of this Act; defining certain terms; providing for a
delayed effective date; and generally relating to health insurance coverage for
fertility preservation procedures.

- 10 BY adding to
- 11 Article Insurance
- 12 Section 15–810.1
- 13 Annotated Code of Maryland
- 14 (2011 Replacement Volume and 2016 Supplement)
- 15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
   16 That the Laws of Maryland read as follows:
  - Article Insurance

18 **15–810.1.** 

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19(A)(1)IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS20INDICATED.

21 (2) "IATROGENIC INFERTILITY" MEANS AN IMPAIRMENT OF 22 FERTILITY CAUSED DIRECTLY OR INDIRECTLY BY SURGERY, CHEMOTHERAPY, 23 RADIATION, OR OTHER MEDICAL TREATMENT AFFECTING THE REPRODUCTIVE 24 ORGANS OR PROCESSES.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



1 (3) "MEDICAL TREATMENT THAT MAY DIRECTLY OR INDIRECTLY 2 CAUSE IATROGENIC INFERTILITY" MEANS MEDICAL TREATMENT WITH A LIKELY 3 SIDE EFFECT OF INFERTILITY AS ESTABLISHED BY THE AMERICAN SOCIETY FOR 4 REPRODUCTIVE MEDICINE, THE AMERICAN COLLEGE OF OBSTETRICIANS AND 5 GYNECOLOGISTS, OR THE AMERICAN SOCIETY OF CLINICAL ONCOLOGY.

6 (4) (1) "STANDARD FERTILITY PRESERVATION PROCEDURES" 7 MEANS PROCEDURES TO PRESERVE FERTILITY THAT ARE CONSISTENT WITH 8 ESTABLISHED MEDICAL PRACTICES AND PROFESSIONAL GUIDELINES PUBLISHED 9 BY THE AMERICAN SOCIETY FOR REPRODUCTIVE MEDICINE, THE AMERICAN 10 COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS, OR THE AMERICAN SOCIETY 11 OF CLINICAL ONCOLOGY.

12 (II) "STANDARD FERTILITY PRESERVATION PROCEDURES" 13 INCLUDES SPERM AND OOCYTE CRYOPRESERVATION AND EVALUATIONS, 14 LABORATORY ASSESSMENTS, MEDICATIONS, AND TREATMENTS ASSOCIATED WITH 15 SPERM AND OOCYTE CRYOPRESERVATION.

16(III) "STANDARD FERTILITY PRESERVATION PROCEDURES"17DOES NOT INCLUDE THE STORAGE OF SPERM OR OOCYTES.

18 **(B)** THIS SECTION APPLIES TO:

19 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT 20 PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS 21 ON AN EXPENSE–INCURRED BASIS UNDER HEALTH INSURANCE POLICIES THAT ARE 22 ISSUED OR DELIVERED IN THE STATE; AND

- (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE
   HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER
   CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.
- 26 (C) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR 27 STANDARD FERTILITY PRESERVATION PROCEDURES:
- 28 (1) PERFORMED ON A POLICYHOLDER OR SUBSCRIBER OR ON THE 29 DEPENDENT SPOUSE OF A POLICYHOLDER OR SUBSCRIBER; AND

30 (2) THAT ARE MEDICALLY NECESSARY TO PRESERVE FERTILITY FOR 31 A POLICYHOLDER OR SUBSCRIBER OR FOR THE DEPENDENT SPOUSE OF A 32 POLICYHOLDER OR SUBSCRIBER DUE TO A NEED FOR MEDICAL TREATMENT THAT 33 MAY DIRECTLY OR INDIRECTLY CAUSE IATROGENIC INFERTILITY. 1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all 2 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or 3 after January 1, 2018.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect 5 January 1, 2018.