SENATE No. 640

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to preserving fertility.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Cynthia Stone Creem	First Middlesex and Norfolk	
Michael O. Moore	Second Worcester	3/10/2021
Sal N. DiDomenico	Middlesex and Suffolk	4/29/2021
Paul R. Feeney	Bristol and Norfolk	6/1/2021
John F. Keenan	Norfolk and Plymouth	8/31/2021
Steven G. Xiarhos	5th Barnstable	9/17/2021
Julian Cyr	Cape and Islands	11/4/2021

SENATE DOCKET, NO. 1072 FILED ON: 2/10/2021

SENATE No. 640

By Ms. Creem, a petition (accompanied by bill, Senate, No. 640) of Cynthia Stone Creem and Michael O. Moore for legislation relative to preserving fertility. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION SEE SENATE, NO. 560 OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court (2021-2022)

An Act relative to preserving fertility.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 32A is hereby amended by inserting after section 17Q, inserted by

2 section 24 of chapter 208 of the acts of 2018 the following section:-

3	Section 17R. (a) Any coverage offered by the commission to an active or retired
4	employee of the commonwealth insured under the group insurance commission shall provide, to
5	the same extent that benefits are provided for other pregnancy-related procedures, coverage for
6	standard fertility preservation services (b) when the enrollee has a diagnosed medical or genetic
7	condition that may directly or indirectly cause (c) impairment of fertility by affecting
8	reproductive organs or processes. Said coverage will include the coverage for procurement,
9	cryopreservation, and storage of gametes, embryos or other reproductive tissue.

(b) For the purposes of this section, "standard fertility preservation services" means
procedures or treatment to preserve fertility as recommended by a board-certified obstetrician
gynecologist, reproductive endocrinologist, or other physician, and this recommendation is made
in accordance with current medical practices and professional guidelines published by the
American Society for Reproductive Medicine, the American Society of Clinical Oncology, or
other reputable professional organizations.

(c) For the purposes of this section, "may directly or indirectly cause" means that the
disease itself, or the necessary treatment, has 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 organizations.

SECTION 2. Chapter 175 is hereby amended by inserting after section 47KK, inserted by
section 81 of chapter 208 of the acts of 2018 the following section:-

22 Section 47LL. (a) Any policy of accident and sickness insurance as described in section 23 108 that provides hospital expense and surgical expense insurance and that is delivered, issued or 24 subsequently renewed by agreement between the insurer and policyholder in the commonwealth; 25 any blanket or general policy of insurance described in subdivision (A), (C) or (D) of section 110 26 that provides hospital expense and surgical expense insurance and that is delivered, issued or 27 subsequently renewed by agreement between the insurer and the policyholder, within or without 28 the commonwealth; or any employees' health and welfare fund that provides hospital expense 29 and surgical expense benefits and that is delivered, issued or renewed to any person or group of 30 persons in the commonwealth, shall provide to a commonwealth resident covered by the policy, 31 to the same extent that benefits are provided for other pregnancy-related procedures, coverage

for standard fertility preservation services (b) when the enrollee has a diagnosed medical or genetic condition that may directly or indirectly cause (c) impairment of fertility by affecting reproductive organs or processes. Said coverage will include the coverage for procurement, cryopreservation, and storage of gametes, embryos or other reproductive tissue.

36 (b) For the purposes of this section, "standard fertility preservation services" means 37 procedures or treatment to preserve fertility as recommended by a board-certified obstetrician 38 gynecologist, reproductive endocrinologist, or other physician, and this recommendation is made 39 in accordance with current medical practices and professional guidelines published by the 40 American Society for Reproductive Medicine, the American Society of Clinical Oncology, or 41 other reputable professional organizations.

42 (c) For the purposes of this section, "may directly or indirectly cause" means that the
43 disease itself, or the necessary treatment, has a likely side effect of infertility as established by
44 the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or
45 other reputable professional organizations.

46 SECTION 3. Chapter 176A is hereby amended by inserting after section 8MM, inserted
47 by section 85 of chapter 208 of the acts of 2018 the following section:-

48 Section 8NN. (a) Any contract between a subscriber and the corporation under an
49 individual or group hospital service plan which is delivered, issued or renewed within the
50 commonwealth shall provide, to the same extent that benefits are provided for other pregnancy51 related procedures, coverage for standard fertility preservation services (b) when the enrollee has
52 a diagnosed medical or genetic condition that may directly or indirectly cause (c) impairment of

fertility by affecting reproductive organs or processes. Said coverage will include the coverage
for procurement, cryopreservation, and storage of gametes, embryos or other reproductive tissue.

(b) For the purposes of this section, "standard fertility preservation services" means procedures or treatment to preserve fertility as recommended by a board-certified obstetrician gynecologist, reproductive endocrinologist, or other physician, and this recommendation is made in accordance with current medical practices and professional guidelines published by the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or other reputable professional organizations.

61 (c) For the purposes of this section, "may directly or indirectly cause" means that the
62 disease itself, or the necessary treatment, has a likely side effect of infertility as established by
63 the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or
64 other reputable professional organizations.

65 SECTION 4. Chapter 176B is hereby amended by inserting after section 4MM, inserted 66 by section 88 of chapter 208 of the acts of 2018 the following section:-

67 Section 4NN. (a) Any subscription certificate under an individual or group medical 68 service agreement delivered, issued or renewed within the commonwealth shall provide, to the 69 same extent that benefits are provided for other pregnancy-related procedures, coverage for 70 standard fertility preservation services (b) when the enrollee has a diagnosed medical or genetic 71 condition that may directly or indirectly cause (c) impairment of fertility by affecting 72 reproductive organs or processes. Said coverage will include the coverage for procurement, 73 cryopreservation, and storage of gametes, embryos or other reproductive tissue.

(b) For the purposes of this section, "standard fertility preservation services" means
procedures or treatment to preserve fertility as recommended by a board-certified obstetrician
gynecologist, reproductive endocrinologist, or other physician, and this recommendation is made
in accordance with current medical practices and professional guidelines published by the
American Society for Reproductive Medicine, the American Society of Clinical Oncology, or
other reputable professional organizations.

(c) For the purposes of this section, "may directly or indirectly cause" means that the
disease itself, or the necessary treatment, has 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 organizations.

84 SECTION 5. Chapter 176G is hereby amended by inserting after section 4EE, inserted by 85 section 91 of chapter 208 of the acts of 2018 the following section:-

86 Section 4FF. (a) Any individual or group health maintenance contract shall provide, to 87 the same extent that benefits are provided for other pregnancy-related procedures, coverage for 88 standard fertility preservation services (b) when the enrollee has a diagnosed medical or genetic 89 condition that may directly or indirectly cause (c) impairment of fertility by affecting 90 reproductive organs or processes. Said coverage will include the coverage for procurement, 91 cryopreservation, and storage of gametes, embryos or other reproductive tissue.

(b) For the purposes of this section, "standard fertility preservation services" means
procedures or treatment to preserve fertility as recommended by a board-certified obstetrician
gynecologist, reproductive endocrinologist, or other physician, and this recommendation is made
in accordance with current medical practices and professional guidelines published by the

96 American Society for Reproductive Medicine, the American Society of Clinical Oncology, or
97 other reputable professional organizations.

98 (c) For the purposes of this section, "may directly or indirectly cause" means that the
99 disease itself, or the necessary treatment, has a likely side effect of infertility as established by
100 the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or
101 other reputable professional organizations.

102 SECTION 6. Chapter 176I is hereby amended by adding the following section:-

Section 13. (a) An organization entering into a preferred provider contract that provides pregnancy-related benefits shall provide coverage, to the same extent that benefits are provided for other pregnancy-related procedures, coverage for standard fertility preservation services (b) when the enrollee has a diagnosed medical or genetic condition that may directly or indirectly cause (c) impairment of fertility by affecting reproductive organs or processes. Said coverage will include the coverage for procurement, cryopreservation, and storage of gametes, embryos or other reproductive tissue.

(b) For the purposes of this section, "standard fertility preservation services" means procedures or treatment to preserve fertility as recommended by a board-certified obstetrician gynecologist, reproductive endocrinologist, or other physician, and this recommendation is made in accordance with current medical practices and professional guidelines published by the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or other reputable professional organizations.

(c) For the purposes of this section, "may directly or indirectly cause" means that thedisease itself, or the necessary treatment, has a likely side effect of infertility as established by

- 118 the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or
- 119 other reputable professional organizations.