

# SENATE . . . . . No. 598

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## 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:	
<i>Cynthia Stone Creem</i>	<i>Norfolk and Middlesex</i>	
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/23/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/31/2023</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>3/6/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>3/29/2023</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>4/3/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>4/4/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>7/6/2023</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>7/12/2023</i>

# SENATE . . . . . No. 598

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 598) of Cynthia Stone Creem, Lindsay N. Sabadosa, Jason M. Lewis and Paul R. Feeney for legislation relative to preserving fertility. Financial Services.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 640 OF 2021-2022.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Third General Court  
(2023-2024)  
\_\_\_\_\_

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 of the General Laws, as appearing in the 2020 Official  
2 Edition, is hereby amended by inserting after section 17Q 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 the following section:-

Section 47LL. (a) Any policy of accident and sickness insurance as described in section 108 that provides hospital expense and surgical expense insurance and that is delivered, issued or subsequently renewed by agreement between the insurer and policyholder in the commonwealth; any blanket or general policy of insurance described in subdivision (A), (C) or (D) of section 110 that provides hospital expense and surgical expense insurance and that is delivered, issued or subsequently renewed by agreement between the insurer and the policyholder, within or without the commonwealth; or any employees’ health and welfare fund that provides hospital expense and surgical expense benefits and that is delivered, issued or renewed to any person or group of persons in the commonwealth, shall provide to a commonwealth resident covered by the policy, 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 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 3. Chapter 176A is hereby amended by inserting after section 8MM the following section:-

Section 8NN. (a) Any contract between a subscriber and the corporation under an individual or group hospital service plan which is delivered, issued or renewed within the commonwealth shall provide, 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 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 4. Chapter 176B is hereby amended by inserting after section 4MM the following section:-

Section 4NN. (a) Any subscription certificate under an individual or group medical service agreement delivered, issued or renewed within the commonwealth shall provide, 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 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 5. Chapter 176G is hereby amended by inserting after section 4EE the following section:-

Section 4FF. (a) Any individual or group health maintenance contract shall provide, 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 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 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 the disease 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.