# HOUSE . . . . . . . . . . . . . . . No.

### The Commonwealth of Massachusetts

#### PRESENTED BY:

#### Natalie M. Higgins

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 modern family building.

#### PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Natalie M. Higgins	4th Worcester	1/16/2025

## HOUSE . . . . . . . . . . . . . . . No.

[Pin Slip]

## The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court (2025-2026)

An Act relative to modern family building.

*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. Section 17T of chapter 32A of the General Laws, as appearing in section 74
2	of chapter 140 of the acts of 2024, is hereby amended by inserting after the word "processes", in
3	subsection (b), the following words:-, provided that such storage shall be covered from the date
4	of cryopreservation until the individual reaches the age of 35, or for a period of not less than five
5	years, whichever is later.
6	SECTION 2. Said chapter 32A is hereby amended by inserting after section 17T the
7	following section:-
8	Section 17U. (a) For purposes of this section, the following terms shall have the
9	following meanings unless the context clearly requires otherwise:
10	"Fertility diagnostic care", procedures, products, genetic testing, medications and
11	services intended to provide information and counseling about an individual's fertility, including
12	laboratory assessments and imaging studies.

13 "Fertility treatment", procedures, products, genetic testing, medications and services, 14 including but not limited to in vitro fertilization, intended to achieve a pregnancy that results in a 15 live birth and that are provided in a manner consistent with established medical practice and 16 professional guidelines published by the American Society for Reproductive Medicine, its 17 successor organization, or a comparable organization, including preconception care, 18 procurement, cryopreservation and storage of gametes, embryos or other reproductive tissue.

19 "Infertility", any of the following: (i) a licensed physician's findings, based on a patient's 20 medical, sexual, and reproductive history, age, physical findings, diagnostic testing, or any 21 combination of these factors; (ii) the need for medical intervention, including, but not limited to, 22 the use of donor gametes or donor embryos in order to achieve a successful pregnancy either as 23 an individual or with a partner; or (iii) the inability to establish a pregnancy after regular, 24 unprotected sexual intercourse for a period of no more than twelve months for an intended 25 gestational parent under the age of 35 and of no more than 6 months for an intended gestational 26 parent who is 35 years of age or older, provided that pregnancy resulting in miscarriage or 27 stillbirth does not restart said 12-month or 6-month time period, (iv) an individual's increased 28 risk, independently or with the individual's partner, of transmitting a serious, inheritable genetic 29 or chromosomal abnormality to a child; or (v) as otherwise defined by the American Society of 30 Reproductive Medicine or its successor organization.

31 (b) The commission shall provide to any active or retired employee of the commonwealth 32 who is insured under the group insurance commission coverage, to the same extent that benefits 33 are provided for other pregnancy-related procedures, coverage for fertility diagnostic care and 34 fertility treatment for individuals residing within the commonwealth diagnosed with infertility as 35 defined in subsection (a), performed by any licensed medical providers acting within the scope

of practice for their profession, including physicians, nurse practitioners, certified nurse midwives and licensed certified professional midwives. No conditions, including but not limited
 to prior treatment, age, sexual orientation, gender identity or familial status, shall be imposed to
 receive benefits under this section.

40 (c) A policy that provides coverage for services required under this section shall cover: (i)
41 no fewer than four completed oocyte retrievals; (ii) unlimited embryo transfers from retrievals
42 covered under this section or from any other completed oocyte retrieval; (iii) unlimited cycles of
43 intrauterine insemination; and (iv) unlimited intracervical insemination. No policy shall be
44 required to provide coverage for any nonmedical costs relating to the procurement of gametes,
45 donor embryos, or surrogacy services.

46 (d) Said coverage may not include any of the following: (i) any exclusion, limitation or 47 other restriction on coverage of fertility medications that are different from those imposed on 48 other prescription medications; (ii) any exclusion or denial of coverage of any fertility treatment 49 based on a covered individual's participation in fertility services provided by a third party, 50 including gestational carriers, surrogates and the donation or use of said thirty party's genetic 51 material; and (iii) any deductible, copayment, coinsurance, benefit maximum or other limitation 52 on coverage for services rendered pursuant to this section that are different from those imposed 53 upon services not relating to infertility or fertility treatment.

54 SECTION 3. Chapter 112 of the General Laws is hereby amended by inserting after
 55 section 50 the following section:-

Section 5P. (a) The bureau of health professions licensure shall, in collaboration with
experts in lesbian, gay, bisexual, transgender and queer, hereinafter LGBTQ, family building,

58 and in coordination with the American Society for Reproductive Medicine or the Society for 59 Assisted Reproductive Technology, develop or provide for, and make available to the board of 60 registration in medicine, the board of registration in midwifery, the board of registration in 61 nursing and any clinical laboratories licensed under 105 CMR 140.000 that collects, stores or 62 distributes any genetic material for fertility treatment a professional development training 63 module regarding resources and services available to LGBTQ couples seeking to expand their 64 families. The goal of the training module shall be to encourage physicians to speak with their 65 patients, and to increase a physician's competency in having effective discussions with patients 66 and families in an appropriate manner. The training module shall include information on: (i) the 67 prevention and elimination of discrimination based on sexual orientation, gender identity and 68 expression in medical settings; (ii) improving access to services for LGBTQ individuals; and (iii) 69 options for LGBTQ individuals seeking to start or grow their family.

(b) The training module developed shall be accepted by the board of registration in
medicine, the board of registration in midwifery and the board of registration in nursing as up to
2 continuing professional development credits.

SECTION 4. Chapter 118E of the General Laws is hereby amended by inserting after
 section 10A1/2 the following section:-

75 Section 10AA. The division shall provide coverage for fertility diagnostic care, any 76 medically necessary ovulation-enhancing drugs and medical services related to prescribing and 77 monitoring the use of ovulation-enhancing drugs, and intrauterine insemination that is intended 78 to treat infertility and achieve a pregnancy that results in a live birth that includes at least 3

79 cycles of ovulation-enhancing medication treatment over a medical assistance recipient's80 lifetime.

81 SECTION 5. Chapter 175 of the General Laws is hereby amended by striking out section 82 47H, as appearing in the 2022 Official Edition, and inserting in place thereof the following 83 section:-84 Section 47H. (a) For purposes of this section, the following terms shall have the 85 following meanings unless the context clearly requires otherwise: 86 "Fertility diagnostic care", procedures, products, genetic testing, medications and 87 services intended to provide information and counseling about an individual's fertility, including 88 laboratory assessments and imaging studies. 89 "Fertility treatment", procedures, products, genetic testing, medications and services, 90 including but not limited to in vitro fertilization, intended to achieve a pregnancy that results in a 91 live birth and that are provided in a manner consistent with established medical practice and 92 professional guidelines published by the American Society for Reproductive Medicine, its 93 successor organization, or a comparable organization, including preconception care, 94 procurement, cryopreservation and storage of gametes, embryos or other reproductive tissue.

95 "Infertility", any of the following: (i) a licensed physician's findings, based on a patient's 96 medical, sexual, and reproductive history, age, physical findings, diagnostic testing, or any 97 combination of these factors; (ii) the need for medical intervention, including, but not limited to, 98 the use of donor gametes or donor embryos in order to achieve a successful pregnancy either as 99 an individual or with a partner; or (iii) the inability to establish a pregnancy after regular, 100 unprotected sexual intercourse for a period of no more than twelve months for an intended

101 gestational parent under the age of 35 and of no more than 6 months for an intended gestational 102 parent who is 35 years of age or older, provided that pregnancy resulting in miscarriage or 103 stillbirth does not restart said 12-month or 6-month time period, (iv) an individual's increased 104 risk, independently or with the individual's partner, of transmitting a serious, inheritable genetic 105 or chromosomal abnormality to a child; or (v) as otherwise defined by the American Society of 106 Reproductive Medicine or its successor organization.

107 (b) Any blanket or general policy of insurance, except a blanket or general policy of 108 insurance which provides supplemental coverage to medicare or other governmental programs, 109 described in subsections (a), (c) or (d) of section 110 that provides hospital expense or surgical 110 expense insurance that includes pregnancy-related benefits and is issued or subsequently 111 renewed by agreement between the insurer and the policyholder, within or without the 112 commonwealth, while this provision is effective, or any policy of accident and sickness 113 insurance as described in section one hundred and eight that provides hospital expense or 114 surgical expense insurance that includes pregnancy-related benefits and is delivered or issued for 115 delivery or subsequently renewed by agreement between the insurer and the policyholder in the 116 commonwealth while this provision is effective, or any employees' health and welfare fund that 117 provides hospital expense and surgical expense benefits that includes pregnancy-related benefits 118 and is promulgated or renewed to any person or group of persons in the commonwealth while 119 this provision is effective shall provide, to the same extent that benefits are provided for other 120 pregnancy-related procedures, coverage for fertility diagnostic care and fertility treatment for 121 individuals residing within the commonwealth diagnosed with infertility as defined in subsection 122 (a), performed by any licensed medical providers acting within the scope of practice for their

profession, including physicians, nurse practitioners, certified nurse-midwives and licensedcertified professional midwives.

(c) A policy that provides coverage for services required under this section shall cover: (i)
no fewer than four completed oocyte retrievals; (ii) unlimited embryo transfers from retrievals
covered under this section or from any other completed oocyte retrieval; (iii) unlimited cycles of
intrauterine insemination; and (iv) unlimited intracervical insemination. No policy shall be
required to provide coverage for any nonmedical costs relating to the procurement of gametes,
donor embryos, or surrogacy services.

131 (d) Said coverage may not include any of the following: (i) any exclusion, limitation or 132 other restriction on coverage of fertility medications that are different from those imposed on 133 other prescription medications; (ii) any exclusion or denial of coverage of any fertility treatment 134 based on a covered individual's participation in fertility services provided by a third party, 135 including gestational carriers, surrogates and the donation or use of said thirty party's genetic 136 material; and (iii) any deductible, copayment, coinsurance, benefit maximum or other limitation 137 on coverage for services rendered pursuant to this section that are different from those imposed 138 upon services not relating to infertility or fertility treatment.

SECTION 6. Section 47VV of said chapter 175, as appearing in section 145 of chapter
140 of the acts of 2024, is hereby amended by inserting after the word "tissue", in subsection (b),
the following words:- , provided that coverage for such storage shall extend until the individual
reaches the age of 35, or for a period of 5 years, whichever is later

143 SECTION 7. Chapter 176A of the General Laws is hereby amended by striking section
144 8K, as appearing in the 2022 Official Edition, and inserting in place thereof the following:-

Section 8K. (a) For purposes of this section, the following terms shall have the following
meanings unless the context clearly requires otherwise:

147 "Fertility diagnostic care", procedures, products, genetic testing, medications and
148 services intended to provide information and counseling about an individual's fertility, including
149 laboratory assessments and imaging studies.

150 "Fertility treatment", procedures, products, genetic testing, medications and services, 151 including but not limited to in vitro fertilization, intended to achieve a pregnancy that results in a 152 live birth and that are provided in a manner consistent with established medical practice and 153 professional guidelines published by the American Society for Reproductive Medicine, its 154 successor organization, or a comparable organization, including preconception care, 155 procurement, cryopreservation and storage of gametes, embryos or other reproductive tissue.

156 "Infertility", any of the following: (i) a licensed physician's findings, based on a patient's 157 medical, sexual, and reproductive history, age, physical findings, diagnostic testing, or any 158 combination of these factors; (ii) the need for medical intervention, including, but not limited to, 159 the use of donor gametes or donor embryos in order to achieve a successful pregnancy either as 160 an individual or with a partner; or (iii) the inability to establish a pregnancy after regular, 161 unprotected sexual intercourse for a period of no more than twelve months for an intended 162 gestational parent under the age of 35 and of no more than 6 months for an intended gestational 163 parent who is 35 years of age or older, provided that pregnancy resulting in miscarriage or 164 stillbirth does not restart said 12-month or 6-month time period, (iv) an individual's increased 165 risk, independently or with the individual's partner, of transmitting a serious, inheritable genetic

or chromosomal abnormality to a child; or (v) as otherwise defined by the American Society of
Reproductive Medicine or its successor organization.

168 (b) Any contract, except contracts providing supplemental coverage to medicare or other 169 governmental programs, between a subscriber and the corporation under an individual or group 170 hospital service plan which is delivered, issued for delivery or renewed in the commonwealth 171 while this provision is effective and that provides pregnancy-related benefits shall provide as a 172 benefit for all individual subscribers or members within the commonwealth and all group 173 members having a principal place of employment within the commonwealth, to the same extent 174 that benefits are provided for other pregnancy-related procedures, coverage for fertility 175 diagnostic care and fertility treatment for individuals residing within the commonwealth 176 diagnosed with infertility as defined in subsection (a), performed by any licensed medical 177 providers acting within the scope of practice for their profession, including physicians, nurse 178 practitioners, certified nurse-midwives and licensed certified professional midwives.

(c) A policy that provides coverage for services required under this section shall cover: (i)
no fewer than four completed oocyte retrievals; (ii) unlimited embryo transfers from retrievals
covered under this section or from any other completed oocyte retrieval; (iii) unlimited cycles of
intrauterine insemination; and (iv) unlimited intracervical insemination. No policy shall be
required to provide coverage for any nonmedical costs relating to the procurement of gametes,
donor embryos, or surrogacy services.

(d) Said coverage may not include any of the following: (i) any exclusion, limitation or
other restriction on coverage of fertility medications that are different from those imposed on
other prescription medications; (ii) any exclusion or denial of coverage of any fertility treatment

based on a covered individual's participation in fertility services provided by a third party,
including gestational carriers, surrogates and the donation or use of said thirty party's genetic
material; and (iii) any deductible, copayment, coinsurance, benefit maximum or other limitation
on coverage for services rendered pursuant to this section that are different from those imposed
upon services not relating to infertility or fertility treatment.

SECTION 8. Section 8WW of said chapter 176A, as appearing in section 148 of chapter
140 of the acts of 2024, is hereby amended by inserting after the word "tissue", in subsection (b),
the following words:- , provided that coverage for such storage shall extend until the individual
reaches the age of 35, or for a period of 5 years, whichever is later

197 SECTION 9. Chapter 176B of the General Laws is hereby amended by striking out
198 section 4J, as appearing in the 2022 Official Edition, and inserting in place thereof the following
199 new section:-

200 Section 4J. (a) For purposes of this section, the following terms shall have the following 201 meanings unless the context clearly requires otherwise:

202 "Fertility diagnostic care", procedures, products, genetic testing, medications and
203 services intended to provide information and counseling about an individual's fertility, including
204 laboratory assessments and imaging studies.

205 "Fertility treatment", procedures, products, genetic testing, medications and services,
206 including but not limited to in vitro fertilization, intended to achieve a pregnancy that results in a
207 live birth and that are provided in a manner consistent with established medical practice and
208 professional guidelines published by the American Society for Reproductive Medicine, its

209 successor organization, or a comparable organization, including preconception care,

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procurement, cryopreservation and storage of gametes, embryos or other reproductive tissue.

211 "Infertility", any of the following: (i) a licensed physician's findings, based on a patient's 212 medical, sexual, and reproductive history, age, physical findings, diagnostic testing, or any 213 combination of these factors; (ii) the need for medical intervention, including, but not limited to, 214 the use of donor gametes or donor embryos in order to achieve a successful pregnancy either as 215 an individual or with a partner; or (iii) the inability to establish a pregnancy after regular, 216 unprotected sexual intercourse for a period of no more than twelve months for an intended 217 gestational parent under the age of 35 and of no more than 6 months for an intended gestational 218 parent who is 35 years of age or older, provided that pregnancy resulting in miscarriage or 219 stillbirth does not restart said 12-month or 6-month time period, (iv) an individual's increased 220 risk, independently or with the individual's partner, of transmitting a serious, inheritable genetic 221 or chromosomal abnormality to a child; or (v) as otherwise defined by the American Society of 222 Reproductive Medicine or its successor organization.

223 (b) Any subscription certificate under an individual or group medical service agreement, 224 except certificates which provide supplemental coverage to medicare or other governmental 225 programs, which is delivered, issued for delivery or renewed in the commonwealth while this 226 section is effective shall provide as a benefit for all individual subscribers or members within the 227 commonwealth and all group members having a principal place of employment within the 228 commonwealth, to the same extent that benefits are provided for other pregnancy-related 229 procedures and subject to the other terms and conditions of the subscription certificate, coverage 230 for fertility diagnostic care and fertility treatment for individuals residing within the 231 commonwealth diagnosed with infertility as defined in subsection (a), performed by any licensed medical providers acting within the scope of practice for their profession, including physicians,
nurse practitioners, certified nurse-midwives and licensed certified professional midwives.

(c) A policy that provides coverage for services required under this section shall cover: (i)
no fewer than four completed oocyte retrievals; (ii) unlimited embryo transfers from retrievals
covered under this section or from any other completed oocyte retrieval; (iii) unlimited cycles of
intrauterine insemination; and (iv) unlimited intracervical insemination. No policy shall be
required to provide coverage for any nonmedical costs relating to the procurement of gametes,
donor embryos, or surrogacy services.

240 (d) Said coverage may not include any of the following: (i) any exclusion, limitation or 241 other restriction on coverage of fertility medications that are different from those imposed on 242 other prescription medications; (ii) any exclusion or denial of coverage of any fertility treatment 243 based on a covered individual's participation in fertility services provided by a third party, 244 including gestational carriers, surrogates and the donation or use of said thirty party's genetic 245 material; and (iii) any deductible, copayment, coinsurance, benefit maximum or other limitation 246 on coverage for services rendered pursuant to this section that are different from those imposed 247 upon services not relating to infertility or fertility treatment.

SECTION 10. Section 4WW of said chapter 176B, as appearing in section 149 of chapter 140 of the acts of 2024, is hereby amended by inserting after the word "tissue", in subsection (b), the following words:- , provided that coverage for such storage shall extend until the individual reaches the age of 35, or for a period of 5 years, whichever is later

252 SECTION 11. (a) The office of health equity shall investigate, analyze and study the 253 affordability, accessibility and practicality of the resources and services available to lesbian, gay,

254 bisexual, transgender and queer, hereinafter LGBTQ, individuals and couples seeking to expand 255 their families and to make recommendations to improve access to benefits and services where 256 necessary. The office shall: (i) examine availability of assisted reproduction providers in rural 257 and geographically isolated areas; (ii) assess the funding and programming needed to enhance 258 services to the growing population LGBTQ parents; (iii) examine the feasibility of developing 259 statewide training curricula to improve provider competency in the delivery of health and social 260 support services to LGBTQ parents; (iv) examine the extent to which out-of-pocket cost 261 associated with becoming a parent is impacted by sexual orientation and gender identity; (v) 262 examine policies and practices used by cryobanks related to known donors for non-traditional 263 families and LGBTQ donors; (vi) recommend best practices for increasing access to services and 264 eliminating disparities; (vii) make recommendations to improve resources available to LGBTQ 265 individuals relative to parentage, including but not limited to adoption, surrogacy and assistive 266 reproductive technology; and (viii) make recommendations relative to education for providers of 267 care and services to increase cultural competency and referrals to relevant resources. 268 (b) The office, in formulating its recommendations, shall take into account the best 269 policies and practices in other states and jurisdictions. The office may consult experts, hold 270 regular public meetings, fact-finding hearings and other public forums as it considers necessary. 271 (c) The study may be conducted by an entity with a demonstrated capacity to deliver 272

273 qualitative data and to communicate study results in an accessible manner.

274 (d) The office shall receive data to complete the charge of this study under memorandums 275 of understanding with the center for health information and analysis established under chapter

research results passing an academic peer-review process in analyzing both quantitative and

12C of the General Laws, the group insurance commission established under chapter 32A of the
General Laws and MassHealth established under chapter 118E of the General Laws,

respectively.

(e) The office shall submit the findings of the study to clerks of the senate and house of
representatives, the joint committee on public health, the joint committee on health care
financing, the joint committee on children, youth, and families and the house and senate
committees on ways and means not later than December 31, 2026.

283 SECTION 12. Section 400 of chapter 176G, as appearing in section 150 of chapter 140

of the acts of 2024, is hereby amended by inserting after the word "tissue", in subsection (b), the

following words:-, provided that coverage for such storage shall extend until the individual

reaches the age of 35, or for a period of 5 years, whichever is later

287 SECTION 13. Chapter 176G of the General Laws is hereby amended by inserting after
 288 section 400 the following section:-

Section 4PP. (a) For purposes of this section, the following terms shall have the following
 meanings unless the context clearly requires otherwise:

291 "Fertility diagnostic care", procedures, products, genetic testing, medications and
292 services intended to provide information and counseling about an individual's fertility, including
293 laboratory assessments and imaging studies.

294 "Fertility treatment", procedures, products, genetic testing, medications and services,
295 including but not limited to in vitro fertilization, intended to achieve a pregnancy that results in a
296 live birth and that are provided in a manner consistent with established medical practice and

professional guidelines published by the American Society for Reproductive Medicine, its
successor organization, or a comparable organization, including preconception care,
procurement, cryopreservation and storage of gametes, embryos or other reproductive tissue.

300 "Infertility", any of the following: (i) a licensed physician's findings, based on a patient's 301 medical, sexual, and reproductive history, age, physical findings, diagnostic testing, or any 302 combination of these factors; (ii) the need for medical intervention, including, but not limited to, 303 the use of donor gametes or donor embryos in order to achieve a successful pregnancy either as 304 an individual or with a partner; or (iii) the inability to establish a pregnancy after regular, 305 unprotected sexual intercourse for a period of no more than twelve months for an intended 306 gestational parent under the age of 35 and of no more than 6 months for an intended gestational 307 parent who is 35 years of age or older, provided that pregnancy resulting in miscarriage or 308 stillbirth does not restart said 12-month or 6-month time period, (iv) an individual's increased 309 risk, independently or with the individual's partner, of transmitting a serious, inheritable genetic 310 or chromosomal abnormality to a child; or (v) as otherwise defined by the American Society of 311 Reproductive Medicine or its successor organization.

(b) Any health maintenance contract shall provide, to the same extent that benefits are provided for other pregnancy-related procedures and subject to the other terms and conditions of the subscription certificate, coverage for fertility diagnostic care and fertility treatment for individuals residing within the commonwealth diagnosed with infertility as defined in subsection (a), performed by any licensed medical providers acting within the scope of practice for their profession, including physicians, nurse practitioners, certified nurse-midwives and licensed certified professional midwives. (c) A policy that provides coverage for services required under this section shall cover: (i)
no fewer than four completed oocyte retrievals; (ii) unlimited embryo transfers from retrievals
covered under this section or from any other completed oocyte retrieval; (iii) unlimited cycles of
intrauterine insemination; and (iv) unlimited intracervical insemination. No policy shall be
required to provide coverage for any nonmedical costs relating to the procurement of gametes,
donor embryos, or surrogacy services.

325 (d) Said coverage may not include any of the following: (i) any exclusion, limitation or 326 other restriction on coverage of fertility medications that are different from those imposed on 327 other prescription medications; (ii) any exclusion or denial of coverage of any fertility treatment 328 based on a covered individual's participation in fertility services provided by a third party, 329 including gestational carriers, surrogates and the donation or use of said thirty party's genetic 330 material; and (iii) any deductible, copayment, coinsurance, benefit maximum or other limitation 331 on coverage for services rendered pursuant to this section that are different from those imposed 332 upon services not relating to infertility or fertility treatment.

333 SECTION 14. Section 17U of chapter 32A shall take effect one year following enactment334 of the legislation.

335 SECTION 15. The training curriculum established pursuant to section 5P of chapter 112
 336 of the General Laws shall be completed within 9 months of enactment of the legislation.

337 SECTION 16. Section 10AA of chapter 118E shall take effect one year following338 enactment of the legislation.

339 SECTION 16. Section 47H of chapter 175 shall take effect one year following enactment340 of the legislation.

341	SECTION 17. Section 8K of chapter 176A shall take effect one year following enactment
342	of the legislation.

- 343 SECTION 18. Section 4J of chapter 176B shall take effect one year following enactment344 of the legislation.
- 345 SECTION 18. Section 4PP of chapter 176G shall take effect one year following
- 346 enactment of the legislation.