SENATE DOCKET, NO. 2469 FILED ON: 1/17/2025

SENATE . . . . . No. 728

The Commonwealth of Massachusetts

PRESENTED BY:

William J. Driscoll, Jr.

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 step therapy and in vitro fertilization insurance coverage.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William J. Driscoll, Jr.	*Norfolk, Plymouth and Bristol*

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SENATE . . . . . No. 728

By Mr. Driscoll, a petition (accompanied by bill, Senate, No. 728) of William J. Driscoll, Jr. relative to step therapy and in vitro fertilization insurance coverage. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1001* OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act relative to step therapy and in vitro fertilization insurance coverage.

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

SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after section 17R, as appearing in the 2018 Official Edition, the following section:-

Section 17S. Coverage offered by the commission to an active or retired employee of the commonwealth insured under the group insurance commission shall provide, while this provision is effective, to the same extent that benefits are provided for other pregnancy-related procedures, coverage for medically necessary expenses of diagnosis and treatment of infertility to persons residing within the commonwealth. No coverage for medically necessary expenses of diagnosis and treatment of infertility provided pursuant to this section shall require a patient to take a medication or undergo a procedure prior to or instead of the medication or procedure recommended by the patient's physician. For purposes of this section, 'infertility' shall mean the

condition of an individual who is unable to conceive or produce conception during a period of 1 year if the female is age 35 or younger or during a period of 6 months if the female is over the age of 35. For purposes of meeting the criteria for infertility in this section, if a person conceives but is unable to carry that pregnancy to live birth, the period of time she attempted to conceive prior to achieving that pregnancy shall be included in the calculation of the 1 year or 6 month period, as applicable.

SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after section 10N, as so appearing, the following section:-

Section 10O. The division and its contracted health insurers, health plans, health maintenance organizations, behavioral health management firms and third-party administrators under contract to a Medicaid managed care organization, accountable care organization or primary care clinician plan shall provide, while this provision is effective, to the same extent that benefits are provided for other pregnancy-related procedures, coverage for medically necessary expenses of diagnosis and treatment of infertility to persons residing within the commonwealth. No coverage for medically necessary expenses of diagnosis and treatment of infertility provided pursuant to this section shall require a patient to take a medication or undergo a procedure prior to or instead of the medication or procedure recommended by the patient's physician. For purposes of this section, 'infertility' shall mean the condition of an individual who is unable to conceive or produce conception during a period of 1 year if the female is age 35 or younger or during a period of 6 months if the female is over the age of 35. For purposes of meeting the criteria for infertility in this section, if a person conceives but is unable to carry that pregnancy to live birth, the period of time she attempted to conceive prior to achieving that pregnancy shall be included in the calculation of the 1 year or 6 month period, as applicable.

SECTION 3. Section 47H of chapter 175 of the General Laws, as so appearing, is hereby amended by inserting after the first sentence the following sentence:-

No blanket or general policy of insurance or policy of accident and sickness insurance, policy of accident and sickness insurance or employees' health and welfare fund providing coverage for medically necessary expenses of diagnosis and treatment of infertility pursuant to this section shall require a patient to take a medication or undergo a procedure prior to or instead of the medication or procedure recommended by the patient's physician.

SECTION 4. Section 8K of chapter 176A of the General Laws, as so appearing, is hereby amended by inserting after the second sentence the following sentence:-

No contract providing coverage for medically necessary expenses of diagnosis and treatment of infertility pursuant to this section shall require a patient to take a medication or undergo a procedure prior to or instead of the medication or procedure recommended by the patient's physician.

SECTION 5. Section 4J of chapter 176B of the General Laws, as so appearing, is hereby amended by inserting after the second sentence the following sentence:-

No subscription certificate under an individual or group medical service agreement providing coverage for medically necessary expenses of diagnosis and treatment of infertility pursuant to this section shall require a patient to take a medication or undergo a procedure prior to or instead of the medication or procedure recommended by the patient's physician.