

SENATE No. 598

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>

SENATE No. 598

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.

[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.

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

16 (c) For the purposes of this section, “may directly or indirectly cause” means that the
17 disease itself, or the necessary treatment, has a likely side effect of infertility as established by
18 the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or
19 other reputable professional organizations.

20 SECTION 2. Chapter 175 is hereby amended by inserting after section 47KK the
21 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

32 for standard fertility preservation services (b) when the enrollee has a diagnosed medical or
33 genetic condition that may directly or indirectly cause (c) impairment of fertility by affecting
34 reproductive organs or processes. Said coverage will include the coverage for procurement,
35 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 the
47 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 pregnancy-
51 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

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

55 (b) For the purposes of this section, “standard fertility preservation services” means
56 procedures or treatment to preserve fertility as recommended by a board-certified obstetrician
57 gynecologist, reproductive endocrinologist, or other physician, and this recommendation is made
58 in accordance with current medical practices and professional guidelines published by the
59 American Society for Reproductive Medicine, the American Society of Clinical Oncology, or
60 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 the
66 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.

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

80 (c) For the purposes of this section, “may directly or indirectly cause” means that the
81 disease itself, or the necessary treatment, has a likely side effect of infertility as established by
82 the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or
83 other reputable professional organizations.

84 SECTION 5. Chapter 176G is hereby amended by inserting after section 4EE the
85 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.

92 (b) For the purposes of this section, “standard fertility preservation services” means
93 procedures or treatment to preserve fertility as recommended by a board-certified obstetrician
94 gynecologist, reproductive endocrinologist, or other physician, and this recommendation is made
95 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:-

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

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

116 (c) For the purposes of this section, “may directly or indirectly cause” means that the
117 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.