

HOUSE BILL 908

C3
HB 876/17 – HGO

8lr1045
CF SB 271

By: **Delegates Pena–Melnyk, McCray, Angel, B. Barnes, Barron, Bromwell, Clippinger, Frick, Hayes, Hill, Kelly, Korman, J. Lewis, McIntosh, Morales, Platt, Rosenberg, Sample–Hughes, Sanchez, K. Young, and P. Young**

Introduced and read first time: February 5, 2018
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Coverage of Fertility Preservation Procedures for**
3 **Iatrogenic Infertility**

4 FOR the purpose of requiring certain insurers, nonprofit health service plans, and health
5 maintenance organizations that provide certain benefits under certain insurance
6 policies or contracts to provide coverage for certain fertility preservation procedures;
7 providing for the application of this Act; defining certain terms; providing for a
8 delayed effective date; and generally relating to health insurance coverage for
9 fertility preservation procedures.

10 BY adding to
11 Article – Insurance
12 Section 15–810.1
13 Annotated Code of Maryland
14 (2017 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Insurance**

18 **15–810.1.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
20 **INDICATED.**

21 **(2) “IATROGENIC INFERTILITY” MEANS AN IMPAIRMENT OF**
22 **FERTILITY CAUSED DIRECTLY OR INDIRECTLY BY SURGERY, CHEMOTHERAPY,**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 RADIATION, OR OTHER MEDICAL TREATMENT AFFECTING THE REPRODUCTIVE
2 ORGANS OR PROCESSES.

3 (3) "MEDICAL TREATMENT THAT MAY DIRECTLY OR INDIRECTLY
4 CAUSE IATROGENIC INFERTILITY" MEANS MEDICAL TREATMENT WITH A LIKELY
5 SIDE EFFECT OF INFERTILITY AS ESTABLISHED BY THE AMERICAN SOCIETY FOR
6 REPRODUCTIVE MEDICINE, THE AMERICAN COLLEGE OF OBSTETRICIANS AND
7 GYNECOLOGISTS, OR THE AMERICAN SOCIETY OF CLINICAL ONCOLOGY.

8 (4) (I) "STANDARD FERTILITY PRESERVATION PROCEDURES"
9 MEANS PROCEDURES TO PRESERVE FERTILITY THAT ARE CONSISTENT WITH
10 ESTABLISHED MEDICAL PRACTICES AND PROFESSIONAL GUIDELINES PUBLISHED
11 BY THE AMERICAN SOCIETY FOR REPRODUCTIVE MEDICINE, THE AMERICAN
12 COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS, OR THE AMERICAN SOCIETY
13 OF CLINICAL ONCOLOGY.

14 (II) "STANDARD FERTILITY PRESERVATION PROCEDURES"
15 INCLUDES SPERM AND OOCYTE CRYOPRESERVATION AND EVALUATIONS,
16 LABORATORY ASSESSMENTS, MEDICATIONS, AND TREATMENTS ASSOCIATED WITH
17 SPERM AND OOCYTE CRYOPRESERVATION.

18 (III) "STANDARD FERTILITY PRESERVATION PROCEDURES"
19 DOES NOT INCLUDE THE STORAGE OF SPERM OR OOCYTES.

20 (B) THIS SECTION APPLIES TO:

21 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT
22 PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS
23 ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES THAT ARE
24 ISSUED OR DELIVERED IN THE STATE; AND

25 (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE
26 HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER
27 CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

28 (C) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR
29 STANDARD FERTILITY PRESERVATION PROCEDURES:

30 (1) PERFORMED ON A POLICYHOLDER OR SUBSCRIBER OR ON THE
31 DEPENDENT SPOUSE OF A POLICYHOLDER OR SUBSCRIBER; AND

32 (2) THAT ARE MEDICALLY NECESSARY TO PRESERVE FERTILITY FOR
33 A POLICYHOLDER OR SUBSCRIBER OR FOR THE DEPENDENT SPOUSE OF A

1 POLICYHOLDER OR SUBSCRIBER DUE TO A NEED FOR MEDICAL TREATMENT THAT
2 MAY DIRECTLY OR INDIRECTLY CAUSE IATROGENIC INFERTILITY.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
4 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or
5 after January 1, 2019.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 January 1, 2019.