



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 922

H.P. 678

House of Representatives, March 8, 2021

An Act To Help Cancer Patients with Fertility Preservation

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CRAVEN of Lewiston.
Cosponsored by Representatives: STOVER of Boothbay, WHITE of Waterville, Senator:
LIBBY of Androscoggin.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24-A MRSA §4320-P** is enacted to read:

3 **§4320-P. Coverage for fertility preservation services for enrollees with cancer**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Fertility preservation services" means fertility preservation procedures consistent
7 with established medical practice and professional guidelines published by the
8 American Society for Reproductive Medicine or the American Society of Clinical
9 Oncology or their successor organizations.

10 B. "Iatrogenic infertility" means an impairment of fertility caused by surgery for the
11 treatment of cancer, radiation, chemotherapy or any other cancer treatment affecting
12 reproductive organs or processes.

13 **2. Required coverage.** Except as provided in subsection 4, a carrier offering a health
14 plan in this State shall provide coverage for fertility preservation services for an enrollee
15 who is at least 18 years of age and has been diagnosed with cancer for which necessary
16 cancer treatment may directly or indirectly cause iatrogenic infertility.

17 **3. Limits; deductible; copayment; coinsurance.** A health plan that provides
18 coverage required by this section may contain provisions for maximum benefits and
19 coinsurance and reasonable limitations, deductibles and exclusions to the extent that these
20 provisions are not inconsistent with the requirements of this section.

21 **4. Exclusion for religious employer.** A religious employer may request and a carrier
22 shall grant an exclusion under the policy or contract for the coverage required by this
23 section if the required coverage conflicts with the religious employer's bona fide religious
24 beliefs and practices. A religious employer that obtains an exclusion under this subsection
25 shall provide prospective enrollees and enrollees under its policy written notice of the
26 exclusion. For the purposes of this section, "religious employer" means an employer that
27 is a church, a convention or association of churches or an elementary or secondary school
28 that is controlled, operated or principally supported by a church or by a convention or
29 association of churches as defined in 26 United States Code, Section 3121(w)(3)(A) and
30 that qualifies as a tax-exempt organization under 26 United States Code, Section 501(c)(3).

31 **Sec. 2. Application.** This Act applies to all policies, contracts and certificates
32 executed, delivered, issued for delivery, continued or renewed in this State on or after
33 January 1, 2022. For purposes of this Act, all contracts are deemed to be renewed no later
34 than the next yearly anniversary of the contract date.

35 **SUMMARY**

36 This bill requires insurance carriers offering health plans in this State to provide
37 coverage for fertility preservation services when necessary cancer treatment may directly
38 or indirectly cause infertility. The requirements of the bill apply to health plans issued or
39 renewed on or after January 1, 2022.