

SENATE, No. 2133

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 5, 2018

Sponsored by:

Senator NILSA CRUZ-PEREZ
District 5 (Camden and Gloucester)
Senator M. TERESA RUIZ
District 29 (Essex)

Co-Sponsored by:

Senators Beach and Greenstein

SYNOPSIS

Mandates health benefits coverage for fertility preservation services under certain health insurance plans.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/30/2018)

1 AN ACT concerning health benefits coverage for fertility
2 preservation services under certain health insurance plans and
3 supplementing various parts of statutory law.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. A hospital service corporation contract which provides
9 hospital or medical expense benefits for groups with 50 or more
10 persons and is delivered, issued, executed or renewed in this State,
11 or approved for issuance or renewal in this State by the
12 Commissioner of Banking and Insurance, on or after the effective
13 date of this act, shall provide coverage for standard fertility
14 preservation services when a medically necessary treatment may
15 directly or indirectly cause iatrogenic infertility.

16 For the purposes of this section:

17 “Iatrogenic infertility” means an impairment of fertility caused
18 by surgery, radiation, chemotherapy, or other medical treatment
19 affecting reproductive organs or processes.

20 “May directly or indirectly cause” means a medical treatment
21 with a likely side effect of iatrogenic infertility as established by the
22 American Society for Reproductive Medicine, the American
23 Society of Clinical Oncology, or other reputable professional
24 organization.

25 “Standard fertility preservation services” means procedures
26 consistent with established medical practices and professional
27 guidelines published by the American Society for Reproductive
28 Medicine, the American Society of Clinical Oncology, or other
29 reputable professional organization that save or protect the oocytes,
30 sperm, or reproductive tissue of a patient, including, but not limited
31 to: embryo cryopreservation, oocyte and sperm cryopreservation,
32 gonadal shielding, and ovarian transposition.

33 The benefits shall be provided to the same extent as for any other
34 medical condition under the contract. The same copayments,
35 deductibles, and benefit limits shall apply to the provision of
36 standard fertility preservation services pursuant to this section as
37 those applied to other medical or surgical benefits under the
38 contract.

39 b. A hospital service corporation providing coverage under this
40 section shall not determine the provision of standard fertility
41 preservation services based on a covered person’s expected length
42 of life, present or predicted disability, degree of medical
43 dependency, perceived quality of life, or other health conditions, or
44 based on personal characteristics, including age, sex, sexual
45 orientation, marital status, or gender identity.

46 c. This section shall apply to those hospital service corporation
47 contracts in which the hospital service corporation has reserved the
48 right to change the premium.

1 2. a. A medical service corporation contract which provides
2 hospital or medical expense benefits for groups with 50 or more
3 persons and is delivered, issued, executed or renewed in this State,
4 or approved for issuance or renewal in this State by the
5 Commissioner of Banking and Insurance, on or after the effective
6 date of this act, shall provide coverage for standard fertility
7 preservation services when a medically necessary treatment may
8 directly or indirectly cause iatrogenic infertility.

9 For the purposes of this section:

10 “Iatrogenic infertility” means an impairment of fertility caused
11 by surgery, radiation, chemotherapy, or other medical treatment
12 affecting reproductive organs or processes.

13 “May directly or indirectly cause” means a medical treatment
14 with a likely side effect of iatrogenic infertility as established by the
15 American Society for Reproductive Medicine, the American
16 Society of Clinical Oncology, or other reputable professional
17 organization.

18 “Standard fertility preservation services” means procedures
19 consistent with established medical practices and professional
20 guidelines published by the American Society for Reproductive
21 Medicine, the American Society of Clinical Oncology, or other
22 reputable professional organization that save or protect the oocytes,
23 sperm, or reproductive tissue of a patient, including, but not limited
24 to: embryo cryopreservation, oocyte and sperm cryopreservation,
25 gonadal shielding, and ovarian transposition.

26 The benefits shall be provided to the same extent as for any other
27 medical condition under the contract. The same copayments,
28 deductibles, and benefit limits shall apply to the provision of
29 standard fertility preservation services pursuant to this section as
30 those applied to other medical or surgical benefits under the
31 contract.

32 b. A medical service corporation providing coverage under this
33 section shall not determine the provision of standard fertility
34 preservation services based on a covered person’s expected length
35 of life, present or predicted disability, degree of medical
36 dependency, perceived quality of life, or other health conditions, or
37 based on personal characteristics, including age, sex, sexual
38 orientation, marital status, or gender identity.

39 c. This section shall apply to those medical service corporation
40 contracts in which the medical service corporation has reserved the
41 right to change the premium.

42
43 3. a. A health service corporation contract which provides
44 hospital or medical expense benefits for groups with 50 or more
45 persons and is delivered, issued, executed or renewed in this State,
46 or approved for issuance or renewal in this State by the
47 Commissioner of Banking and Insurance, on or after the effective
48 date of this act shall provide coverage for standard fertility

1 preservation services when a medically necessary treatment may
2 directly or indirectly cause iatrogenic infertility.

3 For the purposes of this section:

4 “Iatrogenic infertility” means an impairment of fertility caused
5 by surgery, radiation, chemotherapy, or other medical treatment
6 affecting reproductive organs or processes.

7 “May directly or indirectly cause” means a medical treatment
8 with a likely side effect of iatrogenic infertility as established by the
9 American Society for Reproductive Medicine, the American
10 Society of Clinical Oncology, or other reputable professional
11 organization.

12 “Standard fertility preservation services” means procedures
13 consistent with established medical practices and professional
14 guidelines published by the American Society for Reproductive
15 Medicine, the American Society of Clinical Oncology, or other
16 reputable professional organization that save or protect the oocytes,
17 sperm, or reproductive tissue of a patient, including, but not limited
18 to: embryo cryopreservation, oocyte and sperm cryopreservation,
19 gonadal shielding, and ovarian transposition.

20 The benefits shall be provided to the same extent as for any other
21 medical condition under the contract. The same copayments,
22 deductibles, and benefit limits shall apply to the provision of
23 standard fertility preservation services pursuant to this section as
24 those applied to other medical or surgical benefits under the
25 contract.

26 b. A health service corporation providing coverage under this
27 section shall not determine the provision of standard fertility
28 preservation services based on a covered person’s expected length
29 of life, present or predicted disability, degree of medical
30 dependency, perceived quality of life, or other health conditions, or
31 based on personal characteristics, including age, sex, sexual
32 orientation, marital status, or gender identity.

33 c. This section shall apply to those health service corporation
34 contracts in which the health service corporation has reserved the
35 right to change the premium.

36
37 4. a. A group health insurance policy which provides hospital
38 or medical expense benefits for groups with 50 or more persons and
39 is delivered, issued, executed or renewed in this State, or approved
40 for issuance or renewal in this State by the Commissioner of
41 Banking and Insurance, on or after the effective date of this act,
42 shall provide coverage for standard fertility preservation services
43 when a medically necessary treatment may directly or indirectly
44 cause iatrogenic infertility.

45 For the purposes of this section:

46 “Iatrogenic infertility” means an impairment of fertility caused
47 by surgery, radiation, chemotherapy, or other medical treatment
48 affecting reproductive organs or processes.

1 “May directly or indirectly cause” means a medical treatment
2 with a likely side effect of iatrogenic infertility as established by the
3 American Society for Reproductive Medicine, the American
4 Society of Clinical Oncology, or other reputable professional
5 organization.

6 “Standard fertility preservation services” means procedures
7 consistent with established medical practices and professional
8 guidelines published by the American Society for Reproductive
9 Medicine, the American Society of Clinical Oncology, or other
10 reputable professional organization that save or protect the oocytes,
11 sperm, or reproductive tissue of a patient, including, but not limited
12 to: embryo cryopreservation, oocyte and sperm cryopreservation,
13 gonadal shielding, and ovarian transposition.

14 The benefits shall be provided to the same extent as for any other
15 medical condition under the policy. The same copayments,
16 deductibles, and benefit limits shall apply to the provision of
17 standard fertility preservation services pursuant to this section as
18 those applied to other medical or surgical benefits under the policy.

19 b. An insurer providing coverage under this section shall not
20 determine the provision of standard fertility preservation services
21 based on an insured’s expected length of life, present or predicted
22 disability, degree of medical dependency, perceived quality of life,
23 or other health conditions, or based on personal characteristics,
24 including age, sex, sexual orientation, marital status, or gender
25 identity.

26 c. This section shall apply to those group health insurance
27 policies in which the insurer has reserved the right to change the
28 premium.

29
30 5. a. A health maintenance organization contract that
31 provides hospital or medical expense benefits for groups with 50 or
32 more persons and is delivered, issued, executed or renewed in this
33 State, or approved for issuance or renewal in this State by the
34 Commissioner of Banking and Insurance, on or after the effective
35 date of this act, shall provide coverage for standard fertility
36 preservation services when a medically necessary treatment may
37 directly or indirectly cause iatrogenic infertility.

38 For the purposes of this section:

39 “Iatrogenic infertility” means an impairment of fertility caused
40 by surgery, radiation, chemotherapy, or other medical treatment
41 affecting reproductive organs or processes.

42 “May directly or indirectly cause” means a medical treatment
43 with a likely side effect of iatrogenic infertility as established by the
44 American Society for Reproductive Medicine, the American
45 Society of Clinical Oncology, or other reputable professional
46 organization.

47 “Standard fertility preservation services” means procedures
48 consistent with established medical practices and professional

1 guidelines published by the American Society for Reproductive
2 Medicine, the American Society of Clinical Oncology, or other
3 reputable professional organization that save or protect the oocytes,
4 sperm, or reproductive tissue of a patient, including, but not limited
5 to: embryo cryopreservation, oocyte and sperm cryopreservation,
6 gonadal shielding, and ovarian transposition. The benefits shall
7 be provided to the same extent as for any other medical condition
8 under the contract. The same copayments, deductibles, and benefit
9 limits shall apply to the provision of standard fertility preservation
10 services pursuant to this section as those applied to other medical or
11 surgical benefits under the contract.

12 b. A health maintenance organization providing coverage under
13 this section shall not determine the provision of standard fertility
14 preservation services based on an enrollee's expected length of life,
15 present or predicted disability, degree of medical dependency,
16 perceived quality of life, or other health conditions, or based on
17 personal characteristics, including age, sex, sexual orientation,
18 marital status, or gender identity.

19 c. This section shall apply to those health maintenance
20 organization contracts in which the health maintenance organization
21 has reserved the right to change the premium.

22

23 6. a. The State Health Benefits Commission shall ensure that
24 every contract purchased by the commission on or after the
25 effective date of this act that provides hospital or medical expense
26 benefits shall provide coverage for standard fertility preservation
27 services when a medically necessary treatment may directly or
28 indirectly cause iatrogenic infertility.

29 For the purposes of this section:

30 "Iatrogenic infertility" means an impairment of fertility caused
31 by surgery, radiation, chemotherapy, or other medical treatment
32 affecting reproductive organs or processes.

33 "May directly or indirectly cause" means a medical treatment
34 with a likely side effect of iatrogenic infertility as established by the
35 American Society for Reproductive Medicine, the American
36 Society of Clinical Oncology, or other reputable professional
37 organization.

38 "Standard fertility preservation services" means procedures
39 consistent with established medical practices and professional
40 guidelines published by the American Society for Reproductive
41 Medicine, the American Society of Clinical Oncology, or other
42 reputable professional organization that save or protect the oocytes,
43 sperm, or reproductive tissue of a patient, including, but not limited
44 to: embryo cryopreservation, oocyte and sperm cryopreservation,
45 gonadal shielding, and ovarian transposition.

46 The benefits shall be provided to the same extent as for any other
47 medical condition under the contract. The same copayments,
48 deductibles, and benefit limits shall apply to the provision of

1 standard fertility preservation services pursuant to this section as
2 those applied to other medical or surgical benefits under the
3 contract.

4 b. The State Health Benefits Commission shall not purchase a
5 contract that determines the provision of standard fertility
6 preservation services based on a covered person's expected length
7 of life, present or predicted disability, degree of medical
8 dependency, perceived quality of life, or other health conditions, or
9 based on personal characteristics, including age, sex, sexual
10 orientation, marital status, or gender identity.

11
12 7. a. The School Employees' Health Benefits Commission
13 shall ensure that every contract purchased by the commission on or
14 after the effective date of this act that provides hospital or medical
15 expense benefits shall provide coverage for standard fertility
16 preservation services when a medically necessary treatment may
17 directly or indirectly cause iatrogenic infertility.

18 For the purposes of this section:

19 "Iatrogenic infertility" means an impairment of fertility caused
20 by surgery, radiation, chemotherapy, or other medical treatment
21 affecting reproductive organs or processes.

22 "May directly or indirectly cause" means a medical treatment
23 with a likely side effect of iatrogenic infertility as established by the
24 American Society for Reproductive Medicine, the American
25 Society of Clinical Oncology, or other reputable professional
26 organization.

27 "Standard fertility preservation services" means procedures
28 consistent with established medical practices and professional
29 guidelines published by the American Society for Reproductive
30 Medicine, the American Society of Clinical Oncology, or other
31 reputable professional organization that save or protect the oocytes,
32 sperm, or reproductive tissue of a patient, including, but not limited
33 to: embryo cryopreservation, oocyte and sperm cryopreservation,
34 gonadal shielding, and ovarian transposition.

35 The benefits shall be provided to the same extent as for any other
36 medical condition under the contract. The same copayments,
37 deductibles, and benefit limits shall apply to the provision of
38 standard fertility preservation services pursuant to this section as
39 those applied to other medical or surgical benefits under the
40 contract.

41 b. The School Employees' Health Benefits Program shall not
42 purchase a contract that determines the provision of standard
43 fertility preservation services based on a covered person's expected
44 length of life, present or predicted disability, degree of medical
45 dependency, perceived quality of life, or other health conditions, or
46 based on personal characteristics, including age, sex, sexual
47 orientation, marital status, or gender identity.

1 8. This act shall take effect on the 90th day after enactment.

2

3

4

STATEMENT

5

6 This bill requires certain health insurers to provide health benefits
7 coverage for standard fertility preservation services when a medically
8 necessary treatment may directly or indirectly cause iatrogenic
9 infertility. This bill applies to hospital, medical and health service
10 corporations, commercial group insurers and health maintenance
11 organizations that provide benefits to groups of 50 or more persons.
12 The bill also applies to health benefits plans issued pursuant to the
13 State Health Benefits Program and the School Employees' Health
14 Benefits Program.

15 The bill provides that the provision of standard fertility
16 preservation services must not be determined based on a covered
17 person's expected length of life, present or predicted disability,
18 degree of medical dependency, perceived quality of life, or other
19 health conditions, or based on personal characteristics, including
20 age, sex, sexual orientation, marital status, or gender identity.

21 Under the bill, standard fertility preservation services means
22 procedures consistent with established medical practices and
23 professional guidelines published by the American Society for
24 Reproductive Medicine, the American Society of Clinical
25 Oncology, or other reputable professional organization that save or
26 protect the oocytes, sperm, or reproductive tissue of a patient,
27 including, but not limited to: embryo cryopreservation, oocyte and
28 sperm cryopreservation, gonadal shielding, and ovarian
29 transposition. Iatrogenic infertility means an impairment of fertility
30 caused by surgery, radiation, chemotherapy, or other medical
31 treatment affecting reproductive organs or processes.