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

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Senators Beach and Greenstein

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

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning health benefits coverage for fertility preservation services under certain health insurance plans and supplementing various parts of statutory law.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

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

   For the purposes of this section:

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

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

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

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

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

c. This section shall apply to those hospital service corporation contracts in which the hospital service corporation has reserved the right to change the premium.
2. a. A medical service corporation contract which provides hospital or medical expense benefits for groups with 50 or more persons and is delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for standard fertility preservation services when a medically necessary treatment may directly or indirectly cause iatrogenic infertility.

For the purposes of this section:

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

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

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

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

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

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

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

For the purposes of this section:

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

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

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

The benefits shall be provided to the same extent as for any other medical condition under the contract. The same copayments, deductibles, and benefit limits shall apply to the provision of standard fertility preservation services pursuant to this section as those applied to other medical or surgical benefits under the contract.
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American Society for Reproductive Medicine, the American
Society of Clinical Oncology, or other reputable professional
organization.

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

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

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

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

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

For the purposes of this section:
“iatrogenic infertility” means an impairment of fertility caused
by surgery, radiation, chemotherapy, or other medical treatment
affecting reproductive organs or processes.
“May directly or indirectly cause” means a medical treatment with a likely side effect of iatrogenic infertility as established by the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or other reputable professional organization.

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

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

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

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

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

For the purposes of this section:

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

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

“Standard fertility preservation services” means procedures consistent with established medical practices and professional
guidelines published by the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or other reputable professional organization that save or protect the oocytes, sperm, or reproductive tissue of a patient, including, but not limited to: embryo cryopreservation, oocyte and sperm cryopreservation, gonadal shielding, and ovarian transposition. The benefits shall be provided to the same extent as for any other medical condition under the contract. The same copayments, deductibles, and benefit limits shall apply to the provision of standard fertility preservation services pursuant to this section as those applied to other medical or surgical benefits under the contract.

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

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

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

For the purposes of this section:

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

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

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

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

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

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

For the purposes of this section:

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

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

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

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

b. The School Employees’ Health Benefits Program shall not purchase a contract that determines the provision of standard fertility preservation services based on a covered person’s expected length of life, present or predicted disability, degree of medical dependency, perceived quality of life, or other health conditions, or based on personal characteristics, including age, sex, sexual orientation, marital status, or gender identity.
8. This act shall take effect on the 90th day after enactment.

STATEMENT

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

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

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