

# SENATE BILL 271

C3  
SB 918/17 – FIN

8lr2096  
CF 8lr1045

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By: **Senators Mathias, Benson, Feldman, Guzzone, Klausmeier, Middleton, Peters, and Rosapepe**

Introduced and read first time: January 22, 2018

Assigned to: Finance

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## 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,**  
23 **RADIATION, OR OTHER MEDICAL TREATMENT AFFECTING THE REPRODUCTIVE**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **ORGANS OR PROCESSES.**

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

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

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

17                   **(III) “STANDARD FERTILITY PRESERVATION PROCEDURES”**  
18 **DOES NOT INCLUDE THE STORAGE OF SPERM OR OOCYTES.**

19           **(B) THIS SECTION APPLIES TO:**

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

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

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

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

31                   **(2) THAT ARE MEDICALLY NECESSARY TO PRESERVE FERTILITY FOR**  
32 **A POLICYHOLDER OR SUBSCRIBER OR FOR THE DEPENDENT SPOUSE OF A**  
33 **POLICYHOLDER OR SUBSCRIBER DUE TO A NEED FOR MEDICAL TREATMENT THAT**

1 **MAY DIRECTLY OR INDIRECTLY CAUSE IATROGENIC INFERTILITY.**

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

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