

**SENATE . . . . . No. 640**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Cynthia Stone Creem*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to preserving fertility.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/10/2021</i>

**SENATE . . . . . No. 640**

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 640) of Cynthia Stone Creem and Michael O. Moore for legislation relative to preserving fertility. Financial Services.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 560 OF 2019-2020.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act relative to preserving fertility.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 32A is hereby amended by inserting after section 17Q, inserted by  
2 section 24 of chapter 208 of the acts of 2018 the following section:-

3 Section 17R. (a) Any coverage offered by the commission to an active or retired  
4 employee of the commonwealth insured under the group insurance commission shall provide, to  
5 the same extent that benefits are provided for other pregnancy-related procedures, coverage for  
6 standard fertility preservation services (b) when the enrollee has a diagnosed medical or genetic  
7 condition that may directly or indirectly cause (c) impairment of fertility by affecting  
8 reproductive organs or processes. Said coverage will include the coverage for procurement,  
9 cryopreservation, and storage of gametes, embryos or other reproductive tissue.

10 (b) For the purposes of this section, “standard fertility preservation services” means  
11 procedures or treatment to preserve fertility as recommended by a board-certified obstetrician  
12 gynecologist, reproductive endocrinologist, or other physician, and this recommendation is made  
13 in accordance with current medical practices and professional guidelines published by the  
14 American Society for Reproductive Medicine, the American Society of Clinical Oncology, or  
15 other reputable professional organizations.

16 (c) For the purposes of this section, “may directly or indirectly cause” means that the  
17 disease itself, or the necessary treatment, has a likely side effect of infertility as established by  
18 the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or  
19 other reputable professional organizations.

20 SECTION 2. Chapter 175 is hereby amended by inserting after section 47KK, inserted by  
21 section 81 of chapter 208 of the acts of 2018 the following section:-

22 Section 47LL. (a) Any policy of accident and sickness insurance as described in section  
23 108 that provides hospital expense and surgical expense insurance and that is delivered, issued or  
24 subsequently renewed by agreement between the insurer and policyholder in the commonwealth;  
25 any blanket or general policy of insurance described in subdivision (A), (C) or (D) of section 110  
26 that provides hospital expense and surgical expense insurance and that is delivered, issued or  
27 subsequently renewed by agreement between the insurer and the policyholder, within or without  
28 the commonwealth; or any employees’ health and welfare fund that provides hospital expense  
29 and surgical expense benefits and that is delivered, issued or renewed to any person or group of  
30 persons in the commonwealth, shall provide to a commonwealth resident covered by the policy,  
31 to the same extent that benefits are provided for other pregnancy-related procedures, coverage

32 for standard fertility preservation services (b) when the enrollee has a diagnosed medical or  
33 genetic condition that may directly or indirectly cause (c) impairment of fertility by affecting  
34 reproductive organs or processes. Said coverage will include the coverage for procurement,  
35 cryopreservation, and storage of gametes, embryos or other reproductive tissue.

36 (b) For the purposes of this section, “standard fertility preservation services” means  
37 procedures or treatment to preserve fertility as recommended by a board-certified obstetrician  
38 gynecologist, reproductive endocrinologist, or other physician, and this recommendation is made  
39 in accordance with current medical practices and professional guidelines published by the  
40 American Society for Reproductive Medicine, the American Society of Clinical Oncology, or  
41 other reputable professional organizations.

42 (c) For the purposes of this section, “may directly or indirectly cause” means that the  
43 disease itself, or the necessary treatment, has a likely side effect of infertility as established by  
44 the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or  
45 other reputable professional organizations.

46 SECTION 3. Chapter 176A is hereby amended by inserting after section 8MM, inserted  
47 by section 85 of chapter 208 of the acts of 2018 the following section:-

48 Section 8NN. (a) Any contract between a subscriber and the corporation under an  
49 individual or group hospital service plan which is delivered, issued or renewed within the  
50 commonwealth shall provide, to the same extent that benefits are provided for other pregnancy-  
51 related procedures, coverage for standard fertility preservation services (b) when the enrollee has  
52 a diagnosed medical or genetic condition that may directly or indirectly cause (c) impairment of

53 fertility by affecting reproductive organs or processes. Said coverage will include the coverage  
54 for procurement, cryopreservation, and storage of gametes, embryos or other reproductive tissue.

55 (b) For the purposes of this section, “standard fertility preservation services” means  
56 procedures or treatment to preserve fertility as recommended by a board-certified obstetrician  
57 gynecologist, reproductive endocrinologist, or other physician, and this recommendation is made  
58 in accordance with current medical practices and professional guidelines published by the  
59 American Society for Reproductive Medicine, the American Society of Clinical Oncology, or  
60 other reputable professional organizations.

61 (c) For the purposes of this section, “may directly or indirectly cause” means that the  
62 disease itself, or the necessary treatment, has a likely side effect of infertility as established by  
63 the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or  
64 other reputable professional organizations.

65 SECTION 4. Chapter 176B is hereby amended by inserting after section 4MM, inserted  
66 by section 88 of chapter 208 of the acts of 2018 the following section:-

67 Section 4NN. (a) Any subscription certificate under an individual or group medical  
68 service agreement delivered, issued or renewed within the commonwealth shall provide, to the  
69 same extent that benefits are provided for other pregnancy-related procedures, coverage for  
70 standard fertility preservation services (b) when the enrollee has a diagnosed medical or genetic  
71 condition that may directly or indirectly cause (c) impairment of fertility by affecting  
72 reproductive organs or processes. Said coverage will include the coverage for procurement,  
73 cryopreservation, and storage of gametes, embryos or other reproductive tissue.

74 (b) For the purposes of this section, “standard fertility preservation services” means  
75 procedures or treatment to preserve fertility as recommended by a board-certified obstetrician  
76 gynecologist, reproductive endocrinologist, or other physician, and this recommendation is made  
77 in accordance with current medical practices and professional guidelines published by the  
78 American Society for Reproductive Medicine, the American Society of Clinical Oncology, or  
79 other reputable professional organizations.

80 (c) For the purposes of this section, “may directly or indirectly cause” means that the  
81 disease itself, or the necessary treatment, has a likely side effect of infertility as established by  
82 the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or  
83 other reputable professional organizations.

84 SECTION 5. Chapter 176G is hereby amended by inserting after section 4EE, inserted by  
85 section 91 of chapter 208 of the acts of 2018 the following section:-

86 Section 4FF. (a) Any individual or group health maintenance contract shall provide, to  
87 the same extent that benefits are provided for other pregnancy-related procedures, coverage for  
88 standard fertility preservation services (b) when the enrollee has a diagnosed medical or genetic  
89 condition that may directly or indirectly cause (c) impairment of fertility by affecting  
90 reproductive organs or processes. Said coverage will include the coverage for procurement,  
91 cryopreservation, and storage of gametes, embryos or other reproductive tissue.

92 (b) For the purposes of this section, “standard fertility preservation services” means  
93 procedures or treatment to preserve fertility as recommended by a board-certified obstetrician  
94 gynecologist, reproductive endocrinologist, or other physician, and this recommendation is made  
95 in accordance with current medical practices and professional guidelines published by the

96 American Society for Reproductive Medicine, the American Society of Clinical Oncology, or  
97 other reputable professional organizations.

98 (c) For the purposes of this section, “may directly or indirectly cause” means that the  
99 disease itself, or the necessary treatment, has a likely side effect of infertility as established by  
100 the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or  
101 other reputable professional organizations.

102 SECTION 6. Chapter 176I is hereby amended by adding the following section:-

103 Section 13. (a) An organization entering into a preferred provider contract that provides  
104 pregnancy-related benefits shall provide coverage, to the same extent that benefits are provided  
105 for other pregnancy-related procedures, coverage for standard fertility preservation services (b)  
106 when the enrollee has a diagnosed medical or genetic condition that may directly or indirectly  
107 cause (c) impairment of fertility by affecting reproductive organs or processes. Said coverage  
108 will include the coverage for procurement, cryopreservation, and storage of gametes, embryos or  
109 other reproductive tissue.

110 (b) For the purposes of this section, “standard fertility preservation services” means  
111 procedures or treatment to preserve fertility as recommended by a board-certified obstetrician  
112 gynecologist, reproductive endocrinologist, or other physician, and this recommendation is made  
113 in accordance with current medical practices and professional guidelines published by the  
114 American Society for Reproductive Medicine, the American Society of Clinical Oncology, or  
115 other reputable professional organizations.

116 (c) For the purposes of this section, “may directly or indirectly cause” means that the  
117 disease itself, or the necessary treatment, has a likely side effect of infertility as established by

118 the American Society for Reproductive Medicine, the American Society of Clinical Oncology, or  
119 other reputable professional organizations.