

1 HOUSE BILL 95
2 57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

3 INTRODUCED BY
4 Pamelya Herndon
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10 AN ACT

11 RELATING TO INSURANCE; ENACTING NEW SECTIONS OF THE HEALTH CARE
12 PURCHASING ACT AND THE NEW MEXICO INSURANCE CODE TO REQUIRE
13 FERTILITY PRESERVATION SERVICES IN CERTAIN CASES.
14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. A new section of the Health Care Purchasing
17 Act is enacted to read:

18 "[NEW MATERIAL] COVERAGE FOR FERTILITY PRESERVATION
19 SERVICES.--

20 A. As used in this section, "fertility
21 preservation" means the use of specific medical interventions,
22 in accordance with clinical practice guidelines that are
23 generally accepted by health care providers in relevant
24 clinical specialties, including the procurement,
25 cryopreservation or storage of oocytes, embryos or gonadal

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1 tissue.

2 B. Group health coverage, including any form of
3 self-insurance, that is offered, issued or renewed under the
4 Health Care Purchasing Act shall provide coverage for fertility
5 preservation services for enrollees whose disease or medically
6 necessary disease treatment, as determined by the enrollee's
7 health care provider, may lead to infertility.

8 C. Coverage shall be provided regardless of the
9 enrollee's:

- 10 (1) expected length of life;
- 11 (2) present or predicted disability;
- 12 (3) degree of medical dependency;
- 13 (4) perceived quality of life or other health
14 conditions; or

- 15 (5) personal characteristics, including age,
16 sex, sexual orientation, marital status, gender or gender
17 identity."

18 SECTION 2. A new section of Chapter 59A, Article 22 NMSA
19 1978 is enacted to read:

20 "[NEW MATERIAL] COVERAGE FOR FERTILITY PRESERVATION
21 SERVICES.--

22 A. As used in this section, "fertility
23 preservation" means the use of specific medical interventions,
24 in accordance with clinical practice guidelines that are
25 generally accepted by health care providers in relevant

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1 clinical specialties, including the procurement,
2 cryopreservation or storage of oocytes, embryos or gonadal
3 tissue.

4 B. An individual or group health insurance policy,
5 health care plan or certificate of health insurance that is
6 delivered, issued for delivery or renewed in this state shall
7 provide coverage for fertility preservation services for
8 insureds whose disease or medically necessary disease
9 treatment, as determined by the insured's health care provider,
10 may lead to infertility.

11 C. Coverage shall be provided regardless of the
12 insured's:

- 13 (1) expected length of life;
14 (2) present or predicted disability;
15 (3) degree of medical dependency;
16 (4) perceived quality of life or other health
17 conditions; or
18 (5) personal characteristics, including age,
19 sex, sexual orientation, marital status, gender or gender
20 identity."

21 SECTION 3. A new section of Chapter 59A, Article 23 NMSA
22 1978 is enacted to read:

23 "[NEW MATERIAL] COVERAGE FOR FERTILITY PRESERVATION
24 SERVICES.--

25 A. As used in this section, "fertility

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1 preservation" means the use of specific medical interventions,
2 in accordance with clinical practice guidelines that are
3 generally accepted by health care providers in relevant
4 clinical specialties, including the procurement,
5 cryopreservation or storage of oocytes, embryos or gonadal
6 tissue.

7 B. A blanket or group health policy, health care
8 plan or certificate of health insurance that is delivered,
9 issued for delivery or renewed in this state shall provide
10 coverage for fertility preservation services for insureds whose
11 disease or medically necessary disease treatment, as determined
12 by the insured's health care provider, may lead to infertility.

13 C. Coverage shall be provided regardless of the
14 insured's:

- 15 (1) expected length of life;
- 16 (2) present or predicted disability;
- 17 (3) degree of medical dependency;
- 18 (4) perceived quality of life or other health
- 19 conditions; or
- 20 (5) personal characteristics, including age,
- 21 sex, sexual orientation, marital status, gender or gender
- 22 identity."

23 SECTION 4. A new section of the Health Maintenance
24 Organization Law is enacted to read:

25 "[NEW MATERIAL] COVERAGE FOR FERTILITY PRESERVATION
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1 SERVICES.--

2 A. As used in this section, "fertility
3 preservation" means the use of specific medical interventions,
4 in accordance with clinical practice guidelines that are
5 generally accepted by health care providers in relevant
6 clinical specialties, including the procurement,
7 cryopreservation and storage of oocytes, embryos or gonadal
8 tissue.

9 B. An individual or group health maintenance
10 organization contract that is offered, issued for delivery or
11 renewed in this state shall provide coverage for fertility
12 preservation services for eligible enrollees whose disease or
13 medically necessary disease treatment, as determined by the
14 eligible enrollee's health care provider, may lead to
15 infertility.

16 C. Coverage shall be provided regardless of the
17 eligible enrollee's:

- 18 (1) expected length of life;
19 (2) present or predicted disability;
20 (3) degree of medical dependency;
21 (4) perceived quality of life or other health
22 conditions; or
23 (5) personal characteristics, including age,
24 sex, sexual orientation, marital status, gender or gender
25 identity."

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1 SECTION 5. A new section of the Nonprofit Health Care
2 Plan Law is enacted to read:

3 "[NEW MATERIAL] COVERAGE FOR FERTILITY PRESERVATION
4 SERVICES.--

5 A. As used in this section, "fertility
6 preservation" means the use of specific medical interventions,
7 in accordance with clinical practice guidelines that are
8 generally accepted by health care providers in relevant
9 clinical specialties, including the procurement,
10 cryopreservation and storage of oocytes, embryos or gonadal
11 tissue.

12 B. An individual or group health plan or
13 certificate of insurance that is delivered, issued for delivery
14 or renewed in this state shall provide coverage for fertility
15 preservation services for the eligible subscriber whose disease
16 or medically necessary disease treatment, as determined by the
17 eligible subscriber's health care provider, may lead to
18 infertility.

19 C. Coverage shall be provided regardless of the
20 eligible subscriber's:

- 21 (1) expected length of life;
- 22 (2) present or predicted disability;
- 23 (3) degree of medical dependency;
- 24 (4) perceived quality of life or other health
- 25 conditions; or

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1 (5) personal characteristics, including age,
2 sex, sexual orientation, marital status, gender or gender
3 identity."

4 SECTION 6. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is January 1, 2026.

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