

1 H.253

2 Introduced by Representative Till of Jericho

3 Referred to Committee on

4 Date:

5 Subject: Health; health insurance; cancer; fertility preservation

6 Statement of purpose of bill as introduced: This bill proposes to require health
7 insurance plans to provide coverage for fertility preservation for certain
8 insureds diagnosed with cancer.

9 An act relating to insurance coverage for fertility preservation for insureds
10 diagnosed with cancer

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 8 V.S.A. chapter 107, subchapter 15 is added to read:

13 Subchapter 15. Fertility Preservation

14 § 4100I. FERTILITY PRESERVATION FOR INSUREDS DIAGNOSED

15 WITH CANCER

16 (a)(1) Subject to the limitations set forth in subsection (b) of this section
17 and except as provided in subsection (c) of this section, each health insurance
18 plan shall provide coverage for embryo, oocyte, and sperm cryopreservation
19 procedures, in accordance with guidelines established by the American Society
20 of Clinical Oncology, for an insured who is at least 18 years of age and has

1 been diagnosed with cancer but has not yet started cancer treatment, including
2 chemotherapy, biotherapy, or radiation therapy treatment.

3 (2) The coverage required under this section shall include expenses for
4 evaluations, laboratory assessments, medications, and treatments associated
5 with embryo, oocyte, and sperm cryopreservation procedures, but shall not
6 include costs for initial or annual storage of embryos, oocytes, or sperm.

7 (b) A health insurance plan may do one or more of the following:

8 (1) limit the coverage required by subsection (a) of this section for each
9 insured individual until the date of the individual's 40th birthday;

10 (2) limit the coverage required by subsection (a) of this section for a
11 female insured to a lifetime benefit of one procedure for either embryo
12 cryopreservation or oocyte cryopreservation; and

13 (3) limit the coverage required by subsection (a) of this section for a
14 male insured to a lifetime benefit of one sperm cryopreservation procedure.

15 (c)(1) A health insurer may issue an individual health insurance policy that
16 excludes coverage for embryo, oocyte, and sperm cryopreservation procedures
17 that are contrary to an individual's bona fide religious tenets.

18 (2) Upon the written request of an individual who states in writing that
19 methods of embryo, oocyte, and sperm cryopreservation procedures are
20 contrary to the individual's religious or moral beliefs, any health insurer may

1 issue to or on behalf of the individual a policy or policy rider that excludes
2 coverage for those methods.

3 (3) Any health insurance plan issued pursuant to this subsection shall
4 provide written notice to each insured or prospective insured that coverage for
5 embryo, oocyte, and sperm cryopreservation procedures are excluded from
6 coverage pursuant to this subsection. The notice shall appear, in not less than
7 10-point type, in the policy, application, and sales brochure for such plan.

8 (d) As used in this section:

9 (1) "Health insurance plan" means any individual or group health
10 insurance policy, any hospital or medical service corporation or health
11 maintenance organization subscriber contract, or any other health benefit plan
12 offered, issued, or renewed for any person in this State by a health insurer.
13 The term shall not include benefit plans providing coverage for specific
14 diseases other than cancer or other limited benefit coverage.

15 (2) "Health insurer" shall have the same meaning as in 18 V.S.A.
16 § 9402.

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on January 1, 2020 and shall apply to all health
19 insurance plans issued on and after January 1, 2020 on such date as a health
20 insurer offers, issues, or renews the health insurance plan, but in no event later
21 than January 1, 2021.