

1 H.107

2 Introduced by Representatives Till of Jericho, Anthony of Barre City, Bluemle
3 of Burlington, Cordes of Lincoln, Morgan, L. of Milton,
4 Mrowicki of Putney, Sullivan of Dorset, and Yantachka of
5 Charlotte

6 Referred to Committee on

7 Date:

8 Subject: Health; health insurance; Medicaid; cancer; fertility preservation

9 Statement of purpose of bill as introduced: This bill proposes to require health
10 insurance plans to provide coverage of fertility preservation for insured
11 individuals and Medicaid and Dr. Dynasaur beneficiaries diagnosed with
12 cancer.

13 An act relating to coverage of fertility preservation for individuals
14 diagnosed with cancer

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

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

17 Subchapter 15. Fertility Preservation

18 § 4100L. FERTILITY PRESERVATION FOR INSUREDERS DIAGNOSED

19 WITH CANCER

1 (a)(1) Subject to the limitations set forth in subsection (b) of this section
2 and except as provided in subsection (c) of this section, each health insurance
3 plan shall provide coverage for embryo, oocyte, and sperm cryopreservation
4 procedures, in accordance with guidelines established by the American Society
5 of Clinical Oncology and the American Society for Reproductive Medicine, for
6 an insured who is at least 18 years of age and has been diagnosed with cancer
7 but has not yet started cancer treatment, including chemotherapy, biotherapy,
8 or radiation therapy treatment.

9 (2) The coverage required under this section shall include expenses for
10 evaluations, laboratory assessments, medications, and treatments associated
11 with embryo, oocyte, and sperm retrieval and cryopreservation procedures as
12 well as costs for storage of the cryopreserved embryos, oocytes, and sperm. A
13 health insurance plan shall cover the costs associated with the storage of an
14 insured's cryopreserved embryos, oocytes, and sperm for an insured who is 42
15 years of age or younger.

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

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

19 (2) limit the coverage required by subsection (a) of this section for a
20 female insured to a lifetime benefit of two procedures for either embryo
21 cryopreservation or oocyte cryopreservation; and

1 (3) limit the coverage required by subsection (a) of this section for a
2 male insured to a lifetime benefit of three sperm cryopreservation procedures.

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

6 (2) Upon the written request of an individual who states in writing that
7 methods of embryo, oocyte, and sperm cryopreservation procedures are
8 contrary to the individual's religious or moral beliefs, any health insurer may
9 issue to or on behalf of the individual a policy or policy rider that excludes
10 coverage for those methods.

11 (3) Any health insurance plan issued pursuant to this subsection shall
12 provide written notice to each insured or prospective insured that coverage for
13 embryo, oocyte, and sperm cryopreservation procedures are excluded from
14 coverage pursuant to this subsection. The notice shall appear, in not less than
15 10-point type, in the policy, application, and sales brochure for such plan.

16 (d) As used in this section:

17 (1) "Health insurance plan" means any individual or group health
18 insurance policy, any hospital or medical service corporation or health
19 maintenance organization subscriber contract, or any other health benefit plan
20 offered, issued, or renewed for any person in this State by a health insurer.

1 The term shall not include benefit plans providing coverage for specific
2 diseases other than cancer or other limited benefit coverage.

3 (2) "Health insurer" has the same meaning as in 18 V.S.A. § 9402.

4 Sec. 2. 33 V.S.A. § 1901k is added to read:

5 § 1901k. FERTILITY PRESERVATION FOR MEDICAID AND

6 DR. DYNASAUR BENEFICIARIES DIAGNOSED WITH

7 CANCER

8 (a)(1) Subject to the limitations set forth in subsection (b) of this section,
9 the Agency of Human Services shall provide coverage for embryo, oocyte, and
10 sperm cryopreservation procedures, in accordance with guidelines established
11 by the American Society of Clinical Oncology and the American Society for
12 Reproductive Medicine, for an individual enrolled in Medicaid or Dr.
13 Dynasaur who is at least 18 years of age and has been diagnosed with cancer
14 but has not yet started cancer treatment, including chemotherapy, biotherapy,
15 or radiation therapy treatment.

16 (2) The coverage required under this section shall include expenses for
17 evaluations, laboratory assessments, medications, and treatments associated
18 with embryo, oocyte, and sperm retrieval and cryopreservation procedures as
19 well as costs for storage of the cryopreserved embryos, oocytes, and sperm.

20 The Agency shall cover the costs associated with the storage of the

1 cryopreserved embryos, oocytes, and sperm for a Dr. Dynasaur beneficiary and
2 for a Medicaid beneficiary who is 42 years of age or younger.

3 (b) The Agency of Human Services may do one or more of the following:

4 (1) limit the coverage required by subsection (a) of this section until the
5 date of the beneficiary's 40th birthday;

6 (2) limit the coverage required by subsection (a) of this section for a
7 female beneficiary to a lifetime benefit of two procedures for either embryo
8 cryopreservation or oocyte cryopreservation; and

9 (3) limit the coverage required by subsection (a) of this section for a
10 male beneficiary to a lifetime benefit of three sperm cryopreservation
11 procedures.

12 Sec. 3. AGENCY OF HUMAN SERVICES; FEDERAL APPROVAL

13 The Agency of Human Services shall seek approval from the federal
14 Centers for Medicare and Medicaid Services to provide coverage of fertility
15 preservation for individuals enrolled in Medicaid or Dr. Dynasaur as set forth
16 in Sec. 2 of this act.

17 Sec. 4. EFFECTIVE DATES

18 (a) Sec. 1 (8 V.S.A. § 41001) shall take effect on January 1, 2022 and shall
19 apply to all health insurance plans issued on and after January 1, 2022 on such
20 date as a health insurer offers, issues, or renews the health insurance plan, but
21 in no event later than January 1, 2023.

1 (b) Sec. 2 (33 V.S.A. § 1901k) shall take effect upon approval by the
2 Centers for Medicare and Medicaid Services of Vermont's request to provide
3 coverage of fertility preservation as set forth in that section.

4 (c) Secs. 3 (Agency of Human Services; federal approval) and this section
5 shall take effect on passage.