

SENATE, No. 3521

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JANUARY 30, 2023

Sponsored by:
Senator M. TERESA RUIZ
District 29 (Essex)

SYNOPSIS

Requires health insurance coverage of standard fertility preservation services for individuals with certain menstrual disorders resulting in infertility.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning health insurance coverage of fertility
2 preservation services, amending various parts of the statutory
3 law, and supplementing Title 26 of the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. (New section) The Legislature finds and declares that:

9 a. A menstrual disorder is an abnormal condition related to the
10 menstrual cycle and affects up to 25% of women of childbearing
11 age.

12 b. Certain menstrual disorders, including endometriosis,
13 menorrhagia, and uterine fibroids, have an increased risk of causing
14 infertility.

15 c. Fertility preservation services, including the
16 cryopreservation of embryos and oocytes, can protect an
17 individual's ability to bear children by protecting eggs and
18 reproductive tissue.

19
20 2. Section 1 of P.L.2019, c.306 (C.17:48-6rr) is amended to
21 read as follows:

22 1. a. A hospital service corporation contract which provides
23 hospital or medical expense benefits for groups with more than 50
24 persons and is delivered, issued, executed or renewed in this State,
25 or approved for issuance or renewal in this State by the
26 Commissioner of Banking and Insurance, on or after the effective
27 date of this act, shall provide coverage for standard fertility
28 preservation services when a medically necessary treatment may
29 directly or indirectly cause iatrogenic infertility or when an
30 individual is diagnosed with a menstrual disorder that may result in
31 infertility.

32 For the purposes of this section:

33 "Iatrogenic infertility" means an impairment of fertility caused
34 by surgery, radiation, chemotherapy, or other medical treatment
35 affecting reproductive organs or processes.

36 "May directly or indirectly cause" means a medical treatment
37 with a likely side effect of iatrogenic infertility as established by the
38 American Society for Reproductive Medicine, the American
39 Society of Clinical Oncology, or as defined by the New Jersey
40 Department of Health.

41 "Menstrual disorder" means an abnormal condition related to the
42 menstrual cycle, which shall include, but not be limited to,
43 menorrhagia, endometriosis, and uterine fibroids.

44 "Standard fertility preservation services" means procedures
45 consistent with established medical practices and professional
46 guidelines published by the American Society for Reproductive
47 Medicine, the American Society of Clinical Oncology, or as defined

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 by the New Jersey Department of Health. "Standard fertility
2 preservation services" shall not include the storage of sperm [or
3 oocytes], but shall include cryopreservation of embryos and
4 oocytes for individuals diagnosed with a menstrual disorder that
5 may result in infertility.

6 The benefits shall be provided to the same extent as for any other
7 medical condition under the contract. The same copayments,
8 deductibles, and benefit limits shall apply to the provision of
9 standard fertility preservation services pursuant to this section as
10 those applied to other medical or surgical benefits under the
11 contract.

12 b. A hospital service corporation providing coverage under this
13 section shall not determine the provision of standard fertility
14 preservation services based on a covered person's expected length
15 of life, present or predicted disability, degree of medical
16 dependency, perceived quality of life, or other health conditions, or
17 based on personal characteristics, including age, sex, sexual
18 orientation, marital status, or gender identity.

19 c. This section shall apply to those hospital service corporation
20 contracts in which the hospital service corporation has reserved the
21 right to change the premium.

22 (cf: P.L.2019, c.306, s.1)

23

24 3. Section 2 of P.L.2019, c.306 (C.17:48A-700) is amended to
25 read as follows:

26 2. a. A medical service corporation contract which provides
27 hospital or medical expense benefits for groups with more than 50
28 persons and is delivered, issued, executed or renewed in this State,
29 or approved for issuance or renewal in this State by the
30 Commissioner of Banking and Insurance, on or after the effective
31 date of this act, shall provide coverage for standard fertility
32 preservation services when a medically necessary treatment may
33 directly or indirectly cause iatrogenic infertility or when an
34 individual is diagnosed with a menstrual disorder that may result in
35 infertility.

36 For the purposes of this section:

37 "Iatrogenic infertility" means an impairment of fertility caused
38 by surgery, radiation, chemotherapy, or other medical treatment
39 affecting reproductive organs or processes.

40 "May directly or indirectly cause" means a medical treatment
41 with a likely side effect of iatrogenic infertility as established by the
42 American Society for Reproductive Medicine, the American
43 Society of Clinical Oncology, or as defined by the New Jersey
44 Department of Health.

45 "Menstrual disorder" means an abnormal condition related to the
46 menstrual cycle, which shall include, but not be limited to,
47 menorrhagia, endometriosis, and uterine fibroids.

1 "Standard fertility preservation services" means procedures
2 consistent with established medical practices and professional
3 guidelines published by the American Society for Reproductive
4 Medicine, the American Society of Clinical Oncology, or as defined
5 by the New Jersey Department of Health. "Standard fertility
6 preservation services" shall not include the storage of sperm [or
7 oocytes], but shall include cryopreservation of embryos and
8 oocytes for individuals diagnosed with a menstrual disorder that
9 might result in infertility.

10 The benefits shall be provided to the same extent as for any other
11 medical condition under the contract. The same copayments,
12 deductibles, and benefit limits shall apply to the provision of
13 standard fertility preservation services pursuant to this section as
14 those applied to other medical or surgical benefits under the
15 contract.

16 b. A medical service corporation providing coverage under this
17 section shall not determine the provision of standard fertility
18 preservation services based on a covered person's expected length
19 of life, present or predicted disability, degree of medical
20 dependency, perceived quality of life, or other health conditions, or
21 based on personal characteristics, including age, sex, sexual
22 orientation, marital status, or gender identity.

23 c. This section shall apply to those medical service corporation
24 contracts in which the medical service corporation has reserved the
25 right to change the premium.

26 (cf: P.L.2019, c.306, s.2)

27

28 4. Section 3 of P.L.2019, c.306 (C.17:48E-35.42) is amended
29 to read as follows:

30 3. a. A health service corporation contract which provides
31 hospital or medical expense benefits for groups with more than 50
32 persons and is delivered, issued, executed or renewed in this State,
33 or approved for issuance or renewal in this State by the
34 Commissioner of Banking and Insurance, on or after the effective
35 date of this act shall provide coverage for standard fertility
36 preservation services when a medically necessary treatment may
37 directly or indirectly cause iatrogenic infertility or when an
38 individual is diagnosed with a menstrual disorder that may result in
39 infertility.

40 For the purposes of this section:

41 "Iatrogenic infertility" means an impairment of fertility caused
42 by surgery, radiation, chemotherapy, or other medical treatment
43 affecting reproductive organs or processes.

44 "May directly or indirectly cause" means a medical treatment
45 with a likely side effect of iatrogenic infertility as established by the
46 American Society for Reproductive Medicine, the American

1 Society of Clinical Oncology, or as defined by the New Jersey
2 Department of Health.

3 “Menstrual disorder” means an abnormal condition related to the
4 menstrual cycle, which shall include, but not be limited to,
5 menorrhagia, endometriosis, and uterine fibroids.

6 "Standard fertility preservation services" means procedures
7 consistent with established medical practices and professional
8 guidelines published by the American Society for Reproductive
9 Medicine, the American Society of Clinical Oncology, or as defined
10 by the New Jersey Department of Health. "Standard fertility
11 preservation services" shall not include the storage of sperm [or
12 oocytes], but shall include cryopreservation of embryos and
13 oocytes for individuals diagnosed with a menstrual disorder that
14 might result in infertility.

15 The benefits shall be provided to the same extent as for any other
16 medical condition under the contract. The same copayments,
17 deductibles, and benefit limits shall apply to the provision of
18 standard fertility preservation services pursuant to this section as
19 those applied to other medical or surgical benefits under the
20 contract.

21 b. A health service corporation providing coverage under this
22 section shall not determine the provision of standard fertility
23 preservation services based on a covered person's expected length
24 of life, present or predicted disability, degree of medical
25 dependency, perceived quality of life, or other health conditions, or
26 based on personal characteristics, including age, sex, sexual
27 orientation, marital status, or gender identity.

28 c. This section shall apply to those health service corporation
29 contracts in which the health service corporation has reserved the
30 right to change the premium.

31 (cf: P.L.2019, c.306, s.3)

32

33 5. Section 4 of P.L.2019, c.306 (C.17B:27-46.1rr) is amended
34 to read as follows:

35 4. a. A group health insurance policy which provides hospital
36 or medical expense benefits for groups with more than 50 persons
37 and is delivered, issued, executed or renewed in this State, or
38 approved for issuance or renewal in this State by the Commissioner
39 of Banking and Insurance, on or after the effective date of this act,
40 shall provide coverage for standard fertility preservation services
41 when a medically necessary treatment may directly or indirectly
42 cause iatrogenic infertility or when an individual is diagnosed with
43 a menstrual disorder that may result in infertility.

44 For the purposes of this section:

45 "Iatrogenic infertility" means an impairment of fertility caused
46 by surgery, radiation, chemotherapy, or other medical treatment
47 affecting reproductive organs or processes.

1 "May directly or indirectly cause" means a medical treatment
2 with a likely side effect of iatrogenic infertility as established by the
3 American Society for Reproductive Medicine, the American
4 Society of Clinical Oncology, or as defined by the New Jersey
5 Department of Health.

6 "Menstrual disorder" means an abnormal condition related to the
7 menstrual cycle, which shall include, but not be limited to,
8 menorrhagia, endometriosis, and uterine fibroids.

9 "Standard fertility preservation services" means procedures
10 consistent with established medical practices and professional
11 guidelines published by the American Society for Reproductive
12 Medicine, the American Society of Clinical Oncology, or as defined
13 by the New Jersey Department of Health. "Standard fertility
14 preservation services" shall not include the storage of sperm [or
15 oocytes], but shall include cryopreservation of embryos and
16 oocytes for individuals diagnosed with a menstrual disorder that
17 might result in infertility.

18 The benefits shall be provided to the same extent as for any other
19 medical condition under the policy. The same copayments,
20 deductibles, and benefit limits shall apply to the provision of
21 standard fertility preservation services pursuant to this section as
22 those applied to other medical or surgical benefits under the policy.

23 b. An insurer providing coverage under this section shall not
24 determine the provision of standard fertility preservation services
25 based on an insured's expected length of life, present or predicted
26 disability, degree of medical dependency, perceived quality of life,
27 or other health conditions, or based on personal characteristics,
28 including age, sex, sexual orientation, marital status, or gender
29 identity.

30 c. This section shall apply to those group health insurance
31 policies in which the insurer has reserved the right to change the
32 premium.

33 (cf: P.L.2019, c.306, s.4)

34
35 6. Section 5 of P.L.2019, c.306 (C.26:2J-4.43) is amended to
36 read as follows:

37 5. a. A health maintenance organization contract that provides
38 hospital or medical expense benefits for groups with more than 50
39 persons and is delivered, issued, executed or renewed in this State,
40 or approved for issuance or renewal in this State by the
41 Commissioner of Banking and Insurance, on or after the effective
42 date of this act, shall provide coverage for standard fertility
43 preservation services when a medically necessary treatment may
44 directly or indirectly cause iatrogenic infertility or when an
45 individual is diagnosed with a menstrual disorder that may result in
46 infertility.

47 For the purposes of this section:

1 "Iatrogenic infertility" means an impairment of fertility caused
2 by surgery, radiation, chemotherapy, or other medical treatment
3 affecting reproductive organs or processes.

4 "May directly or indirectly cause" means a medical treatment
5 with a likely side effect of iatrogenic infertility as established by the
6 American Society for Reproductive Medicine, the American
7 Society of Clinical Oncology, or as defined by the New Jersey
8 Department of Health.

9 "Menstrual disorder" means an abnormal condition related to the
10 menstrual cycle, which shall include, but not be limited to,
11 menorrhagia, endometriosis, and uterine fibroids.

12 "Standard fertility preservation services" means procedures
13 consistent with established medical practices and professional
14 guidelines published by the American Society for Reproductive
15 Medicine, the American Society of Clinical Oncology, or as defined
16 by the New Jersey Department of Health. "Standard fertility
17 preservation services" shall not include the storage of sperm [or
18 oocytes], but shall include cryopreservation of embryos and
19 oocytes for individuals diagnosed with a menstrual disorder that
20 might result in infertility.

21 The benefits shall be provided to the same extent as for any other
22 medical condition under the contract. The same copayments,
23 deductibles, and benefit limits shall apply to the provision of
24 standard fertility preservation services pursuant to this section as
25 those applied to other medical or surgical benefits under the
26 contract.

27 b. A health maintenance organization providing coverage under
28 this section shall not determine the provision of standard fertility
29 preservation services based on an enrollee's expected length of life,
30 present or predicted disability, degree of medical dependency,
31 perceived quality of life, or other health conditions, or based on
32 personal characteristics, including age, sex, sexual orientation,
33 marital status, or gender identity.

34 c. This section shall apply to those health maintenance
35 organization contracts in which the health maintenance organization
36 has reserved the right to change the premium.

37 (cf: P.L.2019, c.306, s.5)

38

39 7. Section 6 of P.L.2019, c.306 (C.52:14-17.29bb) is amended
40 to read as follows:

41 6. a. The State Health Benefits Commission shall ensure that
42 every contract purchased by the commission on or after the
43 effective date of this act that provides hospital or medical expense
44 benefits shall provide coverage for standard fertility preservation
45 services when a medically necessary treatment may directly or
46 indirectly cause iatrogenic infertility or when an individual is
47 diagnosed with a menstrual disorder that may result in infertility.

1 For the purposes of this section:

2 "Iatrogenic infertility" means an impairment of fertility caused
3 by surgery, radiation, chemotherapy, or other medical treatment
4 affecting reproductive organs or processes.

5 "May directly or indirectly cause" means a medical treatment
6 with a likely side effect of iatrogenic infertility as established by the
7 American Society for Reproductive Medicine, the American
8 Society of Clinical Oncology, or as defined by the New Jersey
9 Department of Health.

10 "Menstrual disorder" means an abnormal condition related to the
11 menstrual cycle, which shall include, but not be limited to,
12 menorrhagia, endometriosis, and uterine fibroids.

13 "Standard fertility preservation services" means procedures
14 consistent with established medical practices and professional
15 guidelines published by the American Society for Reproductive
16 Medicine, the American Society of Clinical Oncology, or as defined
17 by the New Jersey Department of Health. "Standard fertility
18 preservation services" shall not include the storage of sperm [or
19 oocytes], but shall include cryopreservation of embryos and
20 oocytes for individuals diagnosed with a menstrual disorder that
21 might result in infertility.

22 The benefits shall be provided to the same extent as for any other
23 medical condition under the contract. The same copayments,
24 deductibles, and benefit limits shall apply to the provision of
25 standard fertility preservation services pursuant to this section as
26 those applied to other medical or surgical benefits under the
27 contract.

28 b. The State Health Benefits Commission shall not purchase a
29 contract that determines the provision of standard fertility
30 preservation services based on a covered person's expected length
31 of life, present or predicted disability, degree of medical
32 dependency, perceived quality of life, or other health conditions, or
33 based on personal characteristics, including age, sex, sexual
34 orientation, marital status, or gender identity.
35 (cf: P.L.2019, c.306, s.6)

36
37 8. Section 7 of P.L.2019, c.306 (C.52:14-17.46.6m) is amended
38 to read as follows:

39 7. a. The School Employees' Health Benefits Commission
40 shall ensure that every contract purchased by the commission on or
41 after the effective date of this act that provides hospital or medical
42 expense benefits shall provide coverage for standard fertility
43 preservation services when a medically necessary treatment may
44 directly or indirectly cause iatrogenic infertility or when an
45 individual is diagnosed with a menstrual disorder that may result in
46 infertility.

47 For the purposes of this section:

1 "Iatrogenic infertility" means an impairment of fertility caused
2 by surgery, radiation, chemotherapy, or other medical treatment
3 affecting reproductive organs or processes.

4 "May directly or indirectly cause" means a medical treatment
5 with a likely side effect of iatrogenic infertility as established by the
6 American Society for Reproductive Medicine, the American
7 Society of Clinical Oncology, or as defined by the New Jersey
8 Department of Health.

9 "Menstrual disorder" means an abnormal condition related to the
10 menstrual cycle, which shall include, but not be limited to,
11 menorrhagia, endometriosis, and uterine fibroids.

12 "Standard fertility preservation services" means procedures
13 consistent with established medical practices and professional
14 guidelines published by the American Society for Reproductive
15 Medicine, the American Society of Clinical Oncology, or as defined
16 by the New Jersey Department of Health. "Standard fertility
17 preservation services" shall not include the storage of sperm [or
18 oocytes], but shall include cryopreservation of embryos and
19 oocytes for individuals diagnosed with a menstrual disorder that
20 might result in infertility.

21 The benefits shall be provided to the same extent as for any other
22 medical condition under the contract. The same copayments,
23 deductibles, and benefit limits shall apply to the provision of
24 standard fertility preservation services pursuant to this section as
25 those applied to other medical or surgical benefits under the
26 contract.

27 b. The School Employees' Health Benefits Program shall not
28 purchase a contract that determines the provision of standard
29 fertility preservation services based on a covered person's expected
30 length of life, present or predicted disability, degree of medical
31 dependency, perceived quality of life, or other health conditions, or
32 based on personal characteristics, including age, sex, sexual
33 orientation, marital status, or gender identity.

34 (cf: P.L.2019, c.306, s.7)

35
36 9. This act shall take effect on the 90th day next following
37 enactment and shall apply to policies or contracts delivered, issued,
38 or renewed on or after that date.

41 STATEMENT

42
43 This bill requires health insurance coverage of standard fertility
44 preservation services for individuals with certain menstrual
45 disorders resulting in infertility.

46 Under the bill, health insurance carriers (which include hospital
47 service corporations, medical service corporations, health service

1 corporations, health maintenance organizations authorized to issue
2 health benefits plans in New Jersey, group health insurance
3 policies, and any entities contracted to administer health benefits in
4 connection with the State Health Benefits Program and School
5 Employees' Health Benefits Program) will be required to cover
6 standard fertility preservation services when an individual is
7 diagnosed with a menstrual disorder that may result in infertility.
8 For the purposes of this bill, a "menstrual disorder" is an abnormal
9 condition related to the menstrual cycle, which shall include, but is
10 not limited to, menorrhagia, endometriosis, and uterine fibroids.