

ASSEMBLY, No. 2002

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:
Assemblywoman SHANIQUE SPEIGHT
District 29 (Essex and Hudson)

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A2002 SPEIGHT

2

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

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

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

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

21 c. This section shall apply to those hospital service corporation
22 contracts in which the hospital service corporation has reserved the
23 right to change the premium.
24 (cf: P.L.2019, c.306, s.1)

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

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

38 For the purposes of this section:

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

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

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

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

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

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

26 c. This section shall apply to those medical service corporation
27 contracts in which the medical service corporation has reserved the
28 right to change the premium.

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

30
31 4. Section 3 of P.L.2019, c.306 (C.17:48E-35.42) is amended
32 to read as follows:

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

43 For the purposes of this section:

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

47 "May directly or indirectly cause" means a medical treatment
48 with a likely side effect of iatrogenic infertility as established by the

1 American Society for Reproductive Medicine, the American
2 Society of Clinical Oncology, or as defined by the New Jersey
3 Department of Health.

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

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

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

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

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

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

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

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

45 For the purposes of this section:

46 "Iatrogenic infertility" means an impairment of fertility caused
47 by surgery, radiation, chemotherapy, or other medical treatment
48 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.

48 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 State Health Benefits Commission shall not purchase a
28 contract that determines the provision of standard fertility
29 preservation services based on a covered person's expected length
30 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.6)

35
36 8. Section 7 of P.L.2019, c.306 (C.52:14-17.46.6m) is amended
37 to read as follows:

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

46 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
48 corporations, health maintenance organizations authorized to issue

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