

2018 Regular Session

HOUSE BILL NO. 689

BY REPRESENTATIVE STOKES

INSURANCE/HEALTH: Provides for coverage for fertility preservation for individuals diagnosed with cancer

1 AN ACT

2 To enact R.S. 22:1056, relative to mandatory coverage for fertility preservation for  
3 individuals diagnosed with cancer; to mandate coverage for fertility preservation for  
4 certain individuals diagnosed with cancer; to provide for exemptions; to require  
5 disclosure of exempted policies; to provide for definitions; to provide for  
6 applicability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1056 is hereby enacted to read as follows:

9 §1056. Requirement for coverage for fertility preservation for individuals diagnosed  
10 with cancer

11 A.(1) Except as provided in Subsections B and C of this Section, any health  
12 coverage plan delivered or issued for delivery in this state shall include coverage for  
13 embryo, oocyte, and sperm cryopreservation procedures, in accordance with  
14 guidelines established by the American Society of Clinical Oncology, for an insured  
15 who is at least eighteen years of age and has been diagnosed with cancer but has not  
16 started cancer treatment, including but not limited to chemotherapy, biotherapy, or  
17 radiation therapy treatment.

18 (2) The coverage required pursuant to this Section shall include expenses for  
19 evaluations, laboratory assessments, medications, and treatments associated with the

1 embryo, oocyte, and sperm cryopreservation procedures but shall not include costs  
2 for initial or annual storage of embryos, oocytes, or sperm.

3 (3) The health coverage plan may contain a provision to do any of the  
4 following:

5 (a) Limit coverage to an individual until the date of the individual's fortieth  
6 birthday.

7 (b) Limit coverage for a female insured to a lifetime benefit of one procedure  
8 for either embryo cryopreservation or oocyte cryopreservation.

9 (c) Limit coverage for a male insured to a lifetime benefit of one sperm  
10 cryopreservation procedure.

11 B.(1) Any health insurance issuer may issue a health coverage plan that  
12 excludes coverage for embryo, oocyte, and sperm cryopreservation procedures that  
13 are contrary to an individual's bona fide religious tenets.

14 (2) Upon the written request of an individual who states in writing that  
15 methods of embryo, oocyte, and sperm cryopreservation procedures are contrary to  
16 the individual's religious or moral beliefs, the health insurance issuer may issue to  
17 or on behalf of the individual a health coverage plan or rider thereto that excludes  
18 coverage for those methods.

19 C.(1) Any health insurance issuer may issue a health coverage plan that  
20 excludes coverage for embryo, oocyte, and sperm cryopreservation procedures that  
21 are contrary to a religious employer's bona fide religious tenets.

22 (2) Upon the written request of a religious employer that states in writing  
23 that methods of embryo, oocyte, and sperm cryopreservation procedures are contrary  
24 to the employer's religious or moral beliefs, any health insurance issuer may issue  
25 to or on behalf of the religious employer a health coverage plan or rider thereto that  
26 excludes coverage for those methods.

27 D. Any health coverage plan issued pursuant to Subsection C or D of this  
28 Section shall provide written notice to each insured or prospective insured that  
29 coverage for embryo, oocyte, and sperm cryopreservation procedures are excluded

1 from coverage pursuant to Subsection C or D of this Section, as applicable. The  
 2 notice shall appear, in not less than ten-point type, in the policy, application, and  
 3 sales brochure for the health coverage plan.

4 E.(1) As used in this Section, "health coverage plan" means any hospital,  
 5 health, or medical expense insurance policy, hospital or medical service contract,  
 6 employee welfare benefit plan, contract, or other agreement with a health  
 7 maintenance organization or a preferred provider organization, health and accident  
 8 insurance policy, or any other insurance contract of this type in this state, including  
 9 a group insurance plan, a self-insurance plan, and the Office of Group Benefits  
 10 programs.

11 (2) As used in this Section, "religious employer" means an employer that is  
 12 a qualified church-controlled organization as defined in 26 U.S.C. 3121 or a  
 13 church-affiliated organization.

14 Section 2. The provisions of this Act shall apply to all new policies, plans,  
 15 certificates, and contracts issued on or after January 1, 2019. Existing policies, plans,  
 16 certificates, and contracts shall include the coverage required by this Act on renewal thereof,  
 17 but in no case later than January 1, 2019.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 689 Original

2018 Regular Session

Stokes

**Abstract:** Requires health insurance coverage for fertility preservation for individuals diagnosed with cancer who have not yet started treatment.

Proposed law requires any health coverage plan delivered or issued for delivery in this state to include coverage for embryo, oocyte, and sperm cryopreservation procedures, in accordance with guidelines established by the American Society of Clinical Oncology, for an insured who is at least 18 years of age and has been diagnosed with cancer but has not started cancer treatment, including but not limited to chemotherapy, biotherapy, or radiation therapy treatment.

Proposed law requires the coverage to include expenses for evaluations, laboratory assessments, medications, and treatments associated with the embryo, oocyte, and sperm cryopreservation procedures but not costs for initial or annual storage of embryos, oocytes, or sperm.

Proposed law authorizes the health coverage plan to contain a provision to do any of the following:

- (1) Limit coverage to an individual until the date of the individual's 40th birthday.
- (2) Limit coverage for a female insured to a lifetime benefit of one procedure for either embryo cryopreservation or oocyte cryopreservation.
- (3) Limit coverage for a male insured to a lifetime benefit of one sperm cryopreservation procedure.

Proposed law exempts health coverage plans issued without the required coverage upon the written request of an individual or religious employer who states in writing that methods of embryo, oocyte, and sperm cryopreservation procedures are contrary to the individual's or religious employer's religious or moral beliefs.

Proposed law requires any health coverage plan issued without the required coverage to provide written notice to each insured or prospective insured that coverage for embryo, oocyte, and sperm cryopreservation procedures are excluded from coverage pursuant to proposed law.

Proposed law defines "health coverage plan" and "religious employer".

Proposed law applies to all new policies, plans, certificates, and contracts issued on or after Jan. 1, 2019. Existing policies, plans, certificates, and contracts shall include the coverage required by proposed law on renewal, but in no case later than Jan. 1, 2019.

(Adds R.S. 22:1056)