

# ACT No. 299

HOUSE BILL NO. 186

BY REPRESENTATIVES DAVIS, BOYD, BROWN, BUTLER, CARRIER, FREEMAN, FREIBERG, GLOVER, HILFERTY, HUGHES, ILLG, LANDRY, MCFARLAND, MOORE, NEWELL, SCHLEGEL, AND WILLARD AND SENATORS CARTER, DUPLESSIS, JACKSON, ROBERT MILLS, SMITH, AND TALBOT

1 AN ACT

2 To enact R.S. 22:1036.1, relative to health insurance issuers; to require health coverage  
3 plans to cover services and benefits relative to standard fertility preservation  
4 services; to require patients to meet certain conditions; to provide for exemptions;  
5 to provide for definitions; to provide for effectiveness; to provide for applicability;  
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1036.1 is hereby enacted to read as follows:

9 §1036.1. Required coverage for standard fertility preservation services; conditions  
10 applicable to coverage; storage limitations; exemptions; definitions

11 A.(1) A health insurance issuer offering health coverage plans in this state  
12 that provide hospital, medical, or surgical benefits for individuals covered under a  
13 respective plan shall provide coverage for medically necessary expenses for standard  
14 fertility preservation services when a medically necessary treatment may directly or  
15 indirectly cause iatrogenic infertility.

16 (2)(a) A health coverage plan shall provide coverage for standard fertility  
17 preservation services for a covered individual who has been diagnosed with cancer  
18 for which necessary cancer treatment may directly or indirectly cause iatrogenic  
19 infertility.

20 (b) Coverage for standard fertility preservation services as defined in this  
21 Section includes the costs associated with storage of oocytes and sperm, but a health  
22 coverage plan may exclude the costs of storage after three years.

1           (c) A health coverage plan shall not require preauthorization for coverage of  
2           standard fertility preservation services; however, a health coverage plan may contain  
3           provisions for maximum benefits and may apply a deductible, copayment,  
4           coinsurance, and reasonable limitations and exclusions to the extent that these  
5           applications are not inconsistent with the requirements of this Section.

6           B.(1) A religious employer may submit a written request for exemption to  
7           a health insurance issuer and such issuer shall grant the exemption if the coverage  
8           required by this Section conflicts with the religious employer's bona fide religious  
9           beliefs and practices. A religious employer that obtains an exemption pursuant to  
10          this Subsection shall provide prospective enrollees of its health coverage plan with  
11          written notice of the exemption.

12          (2) Nothing in this Subsection prohibits an enrollee of a health coverage plan  
13          provided by his religious employer from purchasing, at his own expense, a  
14          supplemental insurance policy that covers standard fertility preservation services.

15          C. For purposes of this Section, the following terms apply:

16          (1) "Health coverage plan" means any hospital, health, or medical expense  
17          insurance policy, hospital or medical service contract, employee welfare benefit plan,  
18          contract or agreement with a health maintenance organization or a preferred provider  
19          organization, health and accident insurance policy or any other insurance contract of  
20          this type, and the office of group benefits programs. "Health coverage plan" does not  
21          include a plan providing coverage for excepted benefits as defined in R.S. 22:1061,  
22          limited benefit health insurance plans, or short-term policies that have a term of less  
23          than twelve months.

24          (2) "Iatrogenic infertility" means an impairment of fertility caused directly  
25          or indirectly by surgery, chemotherapy, radiation, or other medical treatment.

26          (3) "Medical treatment that may directly or indirectly cause iatrogenic  
27          infertility" means medical treatment with a potential side effect of impaired fertility  
28          as established by the American Society of Clinical Oncology or the American  
29          Society for Reproductive Medicine.

1                   (4) "Religious employer" means an employer that is a church, convention,  
 2                   or association of churches, or an elementary or secondary school that is controlled,  
 3                   operated, or principally supported by a church, convention, or association of  
 4                   churches as defined in Section 3121(w)(3)(A) of the Internal Revenue Code and that  
 5                   qualifies as a tax-exempt organization under Section 501(c)(3) of the Internal  
 6                   Revenue Code.

7                   (5) "Standard fertility preservation services" means oocyte and sperm  
 8                   preservation procedures that are consistent with established medical practices or  
 9                   professional guidelines published by the American Society of Clinical Oncology or  
 10                   the American Society for Reproductive Medicine.

11                   Section 2. This Act shall be known and may be cited as "The Medically Necessary  
 12                   Fertility Preservation Act."

13                   Section 3. This Act shall become effective on January 1, 2024, and shall apply to any  
 14                   new policy, contract, program, or health coverage plan issued on and after January 1, 2024.  
 15                   Any policy, contract, or health coverage plan in effect prior to January 1, 2024, shall convert  
 16                   to conform to the provisions of this Act on or before the renewal date, but no later than  
 17                   January 1, 2025.

18                   Section 4. The provisions of this Act shall not apply to plans offered through the  
 19                   federally-facilitated Health Insurance Marketplace until an appropriation is provided by the  
 20                   legislature.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_