

1 AN ACT relating to coverage for medical services.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔SECTION 1. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304
4 IS CREATED TO READ AS FOLLOWS:

5 **(1) As used in this section:**

6 **(a) "Iatrogenic infertility" means an impairment of fertility caused by surgery,**
7 **radiation, chemotherapy, or any other medical treatment affecting**
8 **reproductive organs or processes;**

9 **(b) "May directly or indirectly cause" means the treatment has a likely side**
10 **effect of infertility as established by the American Society for Reproductive**
11 **Medicine, the American Society of Clinical Oncology, or other reputable**
12 **professional medical organizations;**

13 **(c) "Religious organization" includes but is not limited to a religious group,**
14 **corporation, association, school or educational institution, ministry, order,**
15 **society, or similar entity, regardless of whether it is integrated or affiliated**
16 **with a church or other house of worship; and**

17 **(d) "Standard fertility preservation services" means procedures to preserve**
18 **fertility that are consistent with established medical practices and**
19 **professional guidelines published by the American Society for Reproductive**
20 **Medicine, the American Society of Clinical Oncology, or other reputable**
21 **professional medical organizations.**

22 **(2) Except as provided in subsection (5) of this section, all health benefit plans shall**
23 **provide coverage for standard fertility preservation services when a medically**
24 **necessary medical treatment may directly or indirectly cause iatrogenic infertility**
25 **to an insured.**

26 **(3) The coverage required by subsection (2) of this section:**

27 **(a) Shall include:**

- 1 1. Evaluation expenses;
- 2 2. Laboratory assessments; and
- 3 3. Medications and treatment associated with oocyte and sperm
- 4 cryopreservation procedures, including obtaining, freezing, and
- 5 storing gametes for up to one (1) year; and

6 **(b) May:**

- 7 1. Exclude costs associated with storage of oocytes or sperm after one (1)
- 8 year;
- 9 2. Include age restrictions in accordance with the guidelines set forth by
- 10 the American Society for Reproductive Medicine or the American
- 11 Society of Clinical Oncology;
- 12 3. Include a lifetime limit of one (1) oocyte or sperm cryopreservation
- 13 procedure per eligible insured; and
- 14 4. Be limited to nonexperimental procedures, as defined by the American
- 15 Society for Reproductive Medicine or the American Society of Clinical
- 16 Oncology.

17 **(4) Procedures covered by this section shall:**

- 18 (a) Be performed at a health facility licensed or certified in Kentucky or
- 19 another state; and
- 20 (b) Conform to the guidelines of the American Society for Reproductive
- 21 Medicine or the American Society of Clinical Oncology.

22 **(5) This section shall not apply to an employer-sponsored health benefit plan if the**

23 **employer is a religious organization.**

24 ➔SECTION 2. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304

25 IS CREATED TO READ AS FOLLOWS:

- 26 **(1) All insurers issuing or renewing a health insurance policy or plan, including but**
- 27 **not limited to a health benefit plan, that provides medical or surgical benefits**

1 with respect to orchiectomy or orchidectomy as treatment for testicular or other
2 urological cancer shall provide coverage, in a manner determined in consultation
3 with the attending physician and the covered person and subject to applicable
4 cost sharing that is consistent with the cost sharing that is established for other
5 benefits under the coverage, for the following:

6 (a) All stages of surgical reconstruction related to the orchiectomy or
7 orchidectomy, including testicular or other urological prostheses; and

8 (b) Physical complications of all stages of orchiectomy or orchidectomy,
9 including any related surgical reconstruction.

10 (2) The policy or plan shall provide written notice to a covered person of the
11 availability of medical and surgical benefits with respect to an orchiectomy or
12 orchidectomy upon enrollment and annually thereafter.

13 ➔SECTION 3. A NEW SECTION OF SUBTITLE 17C OF KRS CHAPTER 304
14 IS CREATED TO READ AS FOLLOWS:

15 Section 2 of this Act shall apply to limited health service benefit plans, including any
16 limited health service contract, as defined in KRS 304.38A-010.

17 ➔SECTION 4. A NEW SECTION OF SUBTITLE 38A OF KRS CHAPTER 304
18 IS CREATED TO READ AS FOLLOWS:

19 Limited health service organizations shall comply with Section 2 of this Act.

20 ➔Section 5. This Act applies to policies or plans issued or renewed on or after
21 January 1, 2023.

22 ➔Section 6. This Act takes effect January 1, 2023.