

Fertility Preservation Coverage in the States

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ASCO Priority Issue: Fertility Preservation

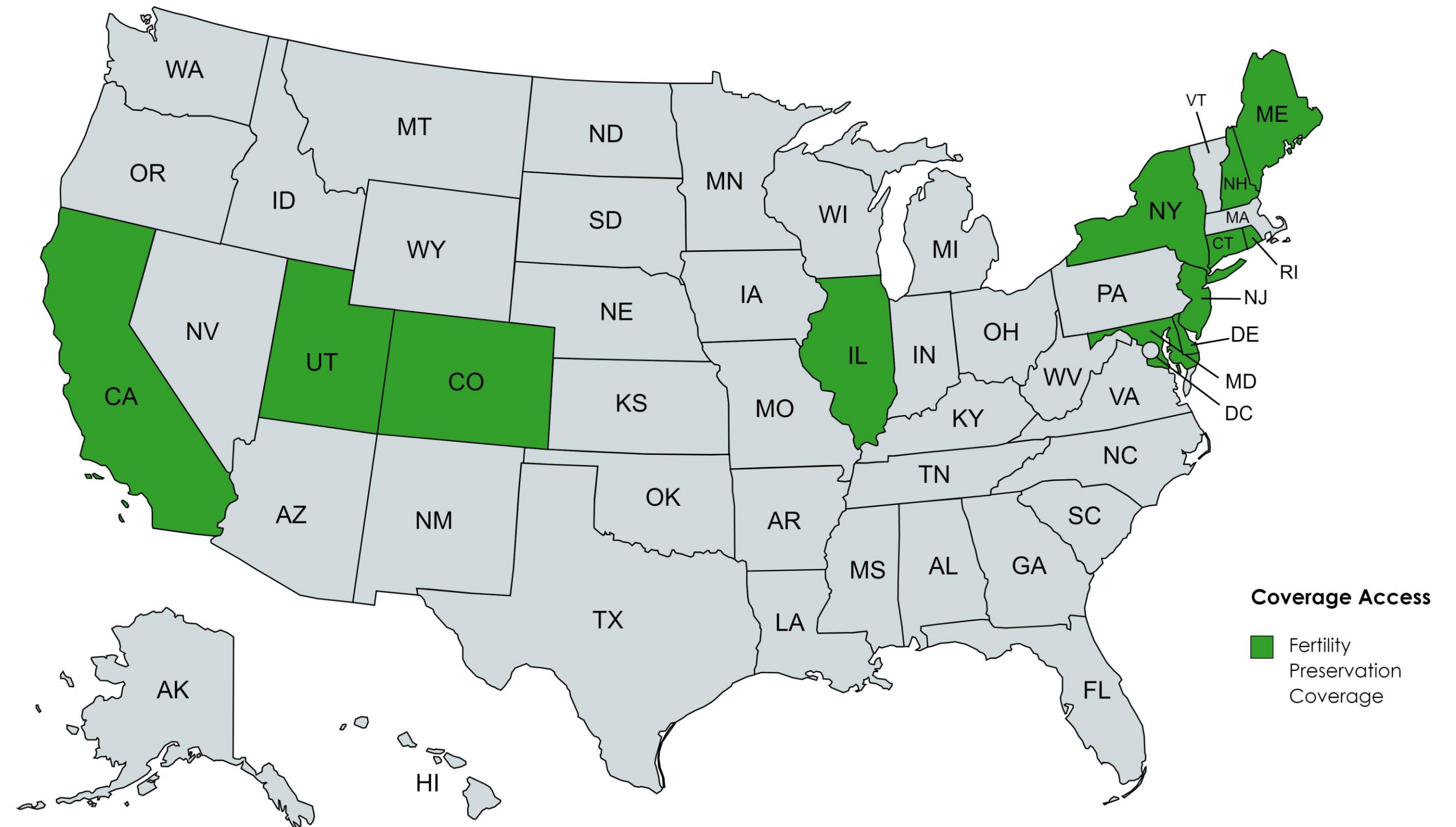
- ASCO's Clinical Practice Guideline "Fertility Preservation in Patients with Cancer" recommends providers discuss fertility with patients before starting treatment
- 2020 JAMA [study](#) shows discussing fertility options before treatment is more likely in states that have fertility preservation coverage laws
- ASCO [guidelines](#) say egg, sperm, and embryo cryopreservation services are standard practice



Source: [Fertility Preservation for Patients with Cancer](#)

Pre-2023 State of Play

- 12 states enacted coverage before 2023: CA, CT, CO, DE, IL, MD, ME, NH, NJ, NY, RI, UT
- Laws vary regarding which state-based plans are included, but each provide coverage for egg, sperm, and embryo cryopreservation



Source: [Alliance for Fertility Preservation](https://www.allianceforfertility.com/)

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Pre 2023 State of Play Law by Law

STATE	YEAR	BILL	STRUCTURE	GROUPS COVERED	LIVES	LIMITATIONS	COVERAGE SPECIFICS
CT	2017	HB7124	Changed definition of Infertility	Individual and group plans	651,134	Cycle limits; religious exemption	Changed statutory definition of “infertility” to “medically necessary”
RI	2017	S 0821A & H 6170A	Amended IVF mandate. Added FP coverage	Individual and group plans	241,582	Age limits (25-40); unclear whether applies to FP	Standard FP services if necessary medical treatment may cause iatrogenic infertility
MD	2018	SB271 & HB908	Amended IVF Mandate. Added FP coverage	Large groups only	926,446	No embryos; religious exemption	Standard FP services if necessary medical treatment may cause iatrogenic infertility
DE	2018	SB139	New mandate for Infertility including IVF+FP	No state employees or Medicaid	120,438	6 cycles; religious exemption; retrieve by 45	Coverage for specific treatments, inc. IVF & sperm, egg/embryo cryo. No exper. treatments
IL	2018	HB2617	New FP coverage not linked to infertility mandate	Broad coverage inclu. state employees and Medicaid	5,303,325	ACA mandate clause re: exceeding EHB	Standard FP services if necessary medical treatment may cause iatrogenic infertility
NY	2019	S719/A2817* <i>budget</i>	Amend Infertility mandate to include IVF. Add FP coverage	IVF: Large groups only FP: Ind., all group plans	4,700,000	3 cycles of IVF; FP TBD	Coverage added through State Budget process. IVF + FP coverage.
NH	2019	SB 279	New mandate for Infertility including IVF+FP	All “health carriers” (insurers, HMOs, etc.)	208,515	Limits can’t be “arbitrary”	Standard FP services for eggs, embryos, sperm, and “material.” Storage through policy term.
CA	2019	SB 600	Clarifies existing coverage for FP	All managed care plans; HMOs, some PPOs	16,900,000	TBD – Regs pending	Codifies regulator’s view that medically-necessary FP is a “basic healthcare service”
NJ	2020	S2133	FP coverage	All group plans 50+; state & school employees	1,179,000	No storage	Standard FP services if necessary medical treatment may cause iatrogenic infertility
CO	2020	HB20-1158	Infertility diagnosis and treatment, incl. IVF + FP	All individual and group health plans	1,196,000	3 cycles of IVF; ACA clause; religious exemption	IF dx & treatment; FP for “condition” or medical treatment creating a risk of infertility
UT	2021	HB 192	Directed Medicaid to create waiver for FP coverage	Medicaid	405,590	Cancer only	Standard FP services when needed cancer treatment causes substantial risk of infertility

Partnering to Advance Fertility Preservation Coverage

ASCO works with many patient and provider groups to support FP coverage:

- State Affiliates (!)
- Coalition Protecting Parenthood after Cancer (CPPAC)
- Alliance for Fertility Preservation (AFP)
- American Cancer Society Cancer Action Network (ACS CAN)
- RESOLVE
- Susan Komen Foundation
- Leukemia Lymphoma Society (LLS)
- American Society of Reproductive Medicine (ASRM)



Hawaii Process

- Concurrent Resolution must pass to trigger an Auditor's report
- Resolution passed in 2022, which led to an inconclusive Auditor's report ahead of 2023; not the result we hoped for
- In 2023, another resolution was introduced and adopted, and the Auditor's office is once again in charge of writing a report
- ASCO, HSCO, and the Alliance for Fertility Preservation met with the Hawaii Auditor on July 5 and had a positive conversation. We also continue to speak with our legislative champions



HCR96 / SCR182

Hawai'i State Legislature
Ka 'Aha'olelo Moku'aina 'O Hawai'i

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HCR96

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Measure Title: REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF MANDATORY HEALTH INSURANCE COVERAGE FOR FERTILITY PRESERVATION PROCEDURES FOR CERTAIN PERSONS WHO HAVE BEEN DIAGNOSED WITH CANCER AND WHOSE CANCER OR CANCER TREATMENT MAY ADVERSELY AFFECT THEIR FERTILITY.

Report Title: Auditor; Impact Study; Fertility Preservation Procedures; Mandatory Health Insurance Coverage

Description:

Companion: SCR182

Package: None

Current Referral: HHS

Introducer(s): KAHALOA

2023 Legislative Process

Sort by Date	Status Text
4/27/2023	H Resolution adopted in final form.
4/27/2023	H Returned from Senate (Sen. Com. No. 986).
4/27/2023	S Report and Resolution Adopted. Transmitted to House.
4/25/2023	S One Day Notice 04-27-23.
4/25/2023	S Reported from HHS (Stand. Com. Rep. No. 2004) with recommendation of adoption.
4/24/2023	S The committee(s) on HHS recommend(s) that the measure be PASSED, UNAMENDED. The votes in HHS were as follows: 3 Aye(s): Senator(s) San Buenaventura, Aquino, Shimabukuro; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) Moriwaki, Awa.
4/21/2023	S The committee(s) on HHS has scheduled a public hearing on 04-24-23 10:00AM; Conference Room 225 & Videoconference.
4/21/2023	S Re-Referred to HHS.
4/11/2023	S Referred to CPN/HHS.
4/6/2023	S Received from House (Hse. Com. No. 637).

4/5/2023	H Transmitted to Senate.
4/5/2023	H Adopted with none voting aye with reservations; none voting no (0) and Representative(s) Nishimoto, Yamashita excused (2).
4/5/2023	H Reported from FIN (Stand. Com. Rep. No. 1991), recommending adoption.
4/3/2023	H The committee on FIN recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 16 Ayes: Representative(s) Yamashita, Kitagawa, Aiu, Chun, Cochran, Garrett, Kahaloa, Kila, Kobayashi, Lamosao, Morikawa, Nishimoto, Poepoe, Takenouchi, Alcos, Ward; Ayes with reservations: none; Noes: none; and Excused: none.
3/31/2023	H Resolution scheduled to be heard by FIN on Monday, 04-03-23 2:00PM in conference room 308 VIA VIDEOCONFERENCE.
3/30/2023	H Re-referred to FIN, referral sheet 27
3/15/2023	H Referred to CPC/LMG, FIN, referral sheet 20
3/10/2023	H Offered

Hawaii Next Steps

1. Auditor's report mandated to be complete 20 days before the start of the 2024 legislative session;
2. Develop a measure using the conclusion of the Auditor's report;
3. Introduce measure at the Hawaii State Legislature;
4. Follow the legislative process;
5. Continued support.

Mahalo