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HOUSE BILL NO. 1876

Offered January 11, 2023

Prefiled January 10, 2023

A *BILL to amend the Code of Virginia by adding a section numbered 2.2-1204.1, relating to local government employees; health insurance program; fertility services.*

Patrons—Helmer and Lopez

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-1204.1 as follows:

§ 2.2-1204.1. Health insurance program; coverage for fertility services.

A. *The plan or plans established by the Department pursuant to § 2.2-1204 shall include coverage for (i) diagnosis and treatment of infertility, (ii) standard fertility preservation procedures, and (iii) procedures described in subsection E.*

B. *As used in this section:*

"Covered individual" means an employee of local government, local officer, teacher, or retiree, and any dependent of such employee, officer, teacher, or retiree, who is covered by a plan or plans established by the Department pursuant to § 2.2-1204.

"Diagnosis and treatment of infertility" means the recommended procedures and medications provided for infertility treatment at the direction of a licensed physician that are consistent with the established or approved medical practices or professional guidelines published by the American College of Obstetricians and Gynecologists or the American Society for Reproductive Medicine.

"Embryo" has the same meaning as provided in § 20-156.

"Embryo transfer" has the same meaning as provided in § 20-156.

"Infertility" means a disease, condition, or status characterized by (i) the failure to establish a pregnancy or to carry a pregnancy to live birth after regular, unprotected sexual intercourse; (ii) a person's inability to reproduce either as a single individual or with such person's partner without medical intervention; or (iii) a licensed physician's findings based on a patient's medical, sexual, and reproductive history; age; physical findings; or diagnostic testing.

"Regular, unprotected sexual intercourse" means no more than 12 months of unprotected sexual intercourse for a woman younger than 35 years of age or no more than six months of unprotected sexual intercourse for a woman 35 years of age or older. Pregnancy resulting in a miscarriage shall not restart the 12-month or six-month clock to qualify as having infertility.

"Standard fertility preservation procedures" means procedures to preserve fertility that are consistent with established medical practices and professional guidelines published by the American Society for Reproductive Medicine or the American Society of Clinical Oncology for a person who has a medical condition or is expected to undergo medication therapy, surgery, radiation, chemotherapy, or other medical treatment that is recognized by medical professionals to cause a risk of impairment to fertility.

C. No plan or plans established by the Department pursuant to § 2.2-1204 shall impose (i) any exclusions, limitations, or other restrictions on coverage for fertility medications that are different from those imposed on any other prescription medication; (ii) any exclusions, limitations, or other restrictions on coverage for any fertility services based on a covered individual's participation in fertility services provided by or to a third party; or (iii) deductibles, copayments, coinsurance, benefit maximums, waiting periods, or any other limitations on coverage for the diagnosis and treatment of infertility and standard fertility preservation procedures, except as provided in this section, that are different from those imposed upon benefits for services not related to infertility.

D. Such required coverage shall include four completed oocyte retrievals with unlimited embryo transfers in accordance with the guidelines of the American Society for Reproductive Medicine, using single embryo transfer when recommended and medically appropriate and storage of gametes and tissue for fertility preservation purposes.

E. Such coverage shall also include coverage for a covered individual, regardless of the covered individual's fertility status, to receive an embryo transfer of an embryo that was created as a result of another individual's treatment for infertility and donated to the covered individual.

F. The provisions of this section shall apply to any plan or plans established by the Department pursuant to § 2.2-1204 that are delivered, issued for delivery, reissued, extended, or renewed in the Commonwealth on or after January 1, 2024, and to any such plans to which a term is changed or any premium adjustment is made on or after such date.

INTRODUCED

HB1876