

By: Senator(s) Frazier

To: Insurance

SENATE BILL NO. 2396

1 AN ACT TO CREATE NEW SECTION 83-9-10, MISSISSIPPI CODE OF
 2 1972, TO CREATE THE HEALTH INSURANCE COVERAGE FOR FERTILITY
 3 PRESERVATION SERVICES ACT; TO ENSURE HEALTH INSURANCE COVERAGE FOR
 4 STANDARD FERTILITY PRESERVATION SERVICES WHEN MEDICALLY NECESSARY
 5 TREATMENT MAY DIRECTLY OR INDIRECTLY CAUSE IATROGENIC INFERTILITY
 6 CONSISTENT WITH ESTABLISHED MEDICAL PRACTICE AND PROFESSIONAL
 7 GUIDELINES; TO PROVIDE THAT A CARRIER OFFERING HEALTH INSURANCE
 8 COVERAGE IN THIS STATE SHALL PROVIDE COVERAGE FOR STANDARD
 9 FERTILITY PRESERVATION SERVICES FOR ANY COVERED INDIVIDUAL WHO MAY
 10 UNDERGO A MEDICALLY NECESSARY TREATMENT THAT MAY DIRECTLY OR
 11 INDIRECTLY CAUSE IATROGENIC INFERTILITY; TO PROHIBIT A CARRIER WHO
 12 OFFERS HEALTH INSURANCE COVERAGE IN THIS STATE FOR STANDARD
 13 FERTILITY PRESERVATION SERVICES FROM IMPOSING CERTAIN EXCLUSIONS,
 14 LIMITATIONS OR OTHER RESTRICTIONS; AND FOR RELATED PURPOSES.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16 **SECTION 1.** The following shall be codified as Section
 17 83-9-10, Mississippi Code of 1972:

18 83-9-10. (1) This section shall be known and may be cited
 19 as the "Health Insurance Coverage for Fertility Preservation
 20 Services Act."

21 (2) For purposes of this section, the following terms shall
 22 have the meanings ascribed herein:

23 (a) "Covered individual" shall mean a policyholder,
 24 subscriber, enrollee, participant or other individual covered by



25 an insurance policy, subscription contract or health care plan,
26 including minors or dependents.

27 (b) "Health insurance coverage" shall mean every health
28 insurance issuer offering health coverage in the state that
29 provides coverage for hospital, medical, surgical, pharmaceutical
30 or drug benefits for individuals covered under a respective plan.
31 "Health insurance coverage" shall include, but not be limited to,
32 benefits, provided directly, through insurance or reimbursement,
33 or otherwise, under any hospital or medical service policy or
34 certificate, hospital or medical service plan contract, or HMO
35 contracted offered by a health insurance issuer. Health insurance
36 coverage includes group health insurance coverage and individual
37 health insurance coverage.

38 (c) "Medical treatment that may directly or indirectly
39 cause iatrogenic infertility" means medical treatment with a
40 likely side effect of infertility as established by the American
41 Society of Clinical Oncology.

42 (d) "Iatrogenic infertility" shall mean an impairment
43 of fertility caused directly or indirectly by surgery,
44 chemotherapy, radiation or other medical treatment affecting the
45 reproductive organs or processes.

46 (e) "Professional guidelines" shall mean the most
47 recent clinical practice guidelines published by the American
48 Society of Clinical Oncology.



49 (f) "Standard fertility preservation services" shall
50 mean the procedures to preserve fertility as outlined and
51 established according to the professional guidelines published by
52 the American Society of Clinical Oncology and shall include the
53 full scope of services or treatments, without any exclusions or
54 limitations, as defined in the most recent professional guidelines
55 established by the American Society of Clinical Oncology.

56 "Standard fertility preservation services" shall not include any
57 experimental procedure or other procedures for which the published
58 medical evidence is not sufficient for the American Society of
59 Clinical Oncology as established medical practice.

60 (3) The purpose of this act is to ensure health insurance
61 coverage for standard fertility preservation services when
62 medically necessary treatment may directly or indirectly cause
63 iatrogenic infertility consistent with established medical
64 practice and professional guidelines published by the American
65 Society of Clinical Oncology.

66 (4) A carrier offering health insurance coverage in this
67 state shall provide coverage for standard fertility preservation
68 services for any covered individual who may undergo a medically
69 necessary treatment that may directly or indirectly cause
70 iatrogenic infertility.

71 (5) No carrier offering health insurance coverage in this
72 state for standard fertility preservation services shall impose



73 any of the following exclusions, limitations or other restrictions
74 on coverage:

75 (a) A carrier shall not use any prior diagnosis or
76 prior fertility treatment as a basis for excluding, limiting or
77 otherwise restricting the availability of coverage required by
78 this section.

79 (b) Any limitations imposed by a carrier shall be used
80 on a covered individual's medical history and clinical guidelines
81 adopted by the carrier. Any clinical guidelines used by a carrier
82 shall not be based on the current guidelines developed by the
83 American Society of Clinical Oncology and shall not be deviated
84 from the full scope of such guidance.

85 (c) A carrier shall not discriminate based on a covered
86 individual's expected length of life, present or predicted
87 disability, degree of medical dependency, perceived quality of
88 life or other health conditions, nor based on personal
89 characteristics, including age, sex, sexual orientation, marital
90 status or gender identity.

91 (6) This act shall apply to all policies, contracts and
92 certificates executed, delivered, issued for delivery, continued
93 or renewed in the state on or after the effective date of this
94 act. For purposes of this act, all contracts are deemed to be
95 renewed no later than the next yearly anniversary of the contract
96 date.



97 **SECTION 2.** This act shall take effect and be in force from
98 and after July 1, 2023.

