

By: Senator(s) Frazier

To: Insurance

SENATE BILL NO. 2781

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

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

15 **SECTION 1.** (1) This section shall be known and may be cited  
 16 as the "Health Insurance Coverage for Fertility Preservation  
 17 Services Act."

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

20 (a) "Covered individual" shall mean a policyholder,  
 21 subscriber, enrollee, participant or other individual covered by  
 22 an insurance policy, subscription contract or health care plan,  
 23 including minors or dependents.



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

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

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

43           (e) "Professional guidelines" shall mean the most  
44 recent clinical practice guidelines published by the American  
45 Society of Clinical Oncology.

46           (f) "Standard fertility preservation services" shall  
47 mean the procedures to preserve fertility as outlined and  
48 established according to the professional guidelines published by



49 the American Society of Clinical Oncology and shall include the  
50 full scope of services or treatments, without any exclusions or  
51 limitations, as defined in the most recent professional guidelines  
52 established by the American Society of Clinical Oncology.

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

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

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

68 (5) No carrier offering health insurance coverage in this  
69 state for standard fertility preservation services shall impose  
70 any of the following exclusions, limitations or other restrictions  
71 on coverage:

72 (a) A carrier shall not use any prior diagnosis or  
73 prior fertility treatment as a basis for excluding, limiting or



74 otherwise restricting the availability of coverage required by  
75 this section.

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

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

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

94 **SECTION 2.** This act shall take effect and be in force from  
95 and after July 1, 2024.

