

Introduced by

Representative Brandenburg

1 A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota
2 Century Code, relating to public employee fertility preservation health benefits; to provide for a
3 report to the legislative assembly; to provide for application; and to provide an expiration date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 54-52.1 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Health insurance benefits coverage - Fertility preservation health care.**

8 1. As used in this section:

9 a. "Medically necessary" means a health care service or a product provided in a
10 manner:

11 (1) Consistent with the findings and recommendations of a licensed physician,
12 based on a patient's medical history, sexual and reproductive history, age,
13 partner, physical findings, or diagnostic testing;

14 (2) Consistent with generally accepted standards of medical practice as
15 established by a professional medical organization with a specialization in
16 any aspect of reproductive health, including the American society for
17 reproductive medicine or the American society of clinical oncology; or

18 (3) Clinically appropriate in terms of type, frequency, extent, site, and duration.

19 b. "Standard fertility preservation services" means services, procedures, testing,
20 medications, treatments, cryopreservation of eggs, sperm, embryos, and
21 products consistent with established best medical practices or professional
22 guidelines including those published by the American society for reproductive
23 medicine or the American society of clinical oncology for an individual who has a
24 medical condition or is expected to undergo medication therapy, surgery,

- 1 radiation, chemotherapy, or other medical treatment recognized by medical
2 professionals to result in, or increase the risk of, impaired fertility.
- 3 2. If a covered individual has a diagnosed medical condition or genetic condition that
4 may cause impairment of fertility affecting the reproductive organs or processes, the
5 board shall provide health insurance benefits coverage that provides for standard
6 fertility preservation services if recommended and medically necessary. As used in this
7 section, "may cause" means the disease itself, or the necessary treatment, has a
8 potential side effect of infertility as established by best practices, including the
9 American society for reproductive medicine or the American society of clinical
10 oncology.
- 11 3. Coverage under this section must include:
- 12 a. Consultation, evaluation, laboratory assessment, and medication.
- 13 b. The procurement and storage of gametes, embryos, or other reproductive tissue,
14 and all procedures and treatment needed for cryopreservation services.
- 15 c. Four preservation cycles.
- 16 4. Coverage under this section must be made available to all covered individuals,
17 including covered individuals who have entered coverage during special enrollment or
18 open enrollment.
- 19 5. Benefits under this section may not be limited based on a copayment, deductible,
20 coinsurance, benefit maximum, waiting period, or other limitation on coverage different
21 from other medical or surgical benefits provided under the health benefits.

22 **SECTION 2. PUBLIC EMPLOYEES RETIREMENT SYSTEM - FERTILITY**

23 **PRESERVATION HEALTH BENEFITS - REPORT TO LEGISLATIVE ASSEMBLY.** Pursuant to
24 section 54-03-28, the public employees retirement system shall provide a report to the
25 legislative assembly regarding the effect of the fertility preservation health benefits on the
26 system's health insurance programs, information on the utilization and costs relating to the
27 benefits, and a recommendation regarding whether the benefits should be continued for the
28 system's health insurance programs.

29 **SECTION 3. APPLICATION.** This Act applies to health benefits coverage that begins after
30 June 30, 2027, and which does not extend past June 30, 2029.

1 **SECTION 4. EXPIRATION DATE.** This Act is effective through June 30, 2029, and after that
2 date is ineffective.