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**HOUSE BILL 1151**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Stonier, Macri, Reed, Peterson, Berry, Ramel, Fitzgibbon, Cortes, Callan, Simmons, Reeves, Lekanoff, Bergquist, Fosse, and Ormsby

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1 AN ACT Relating to mandating health plans to provide coverage for  
2 the diagnosis of infertility, treatment for infertility, and standard  
3 fertility preservation services; adding a new section to chapter  
4 48.43 RCW; adding a new section to chapter 41.05 RCW; and creating  
5 new sections.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

8 (a) According to the federal centers for disease control and  
9 prevention, over 12 percent of women of reproductive age in the  
10 United States have difficulty becoming pregnant or staying pregnant;

11 (b) Infertility is evenly divided between men and women and  
12 approximately one-third of cases involve both partners being  
13 diagnosed or are unexplained;

14 (c) Increasing accessibility for infertility treatment will  
15 expand the state's health services and improve the short and long-  
16 term health outcomes for the resulting children and mothers, which  
17 may also reduce health care costs by reducing adverse outcomes; and

18 (d) Insurance coverage reduces disparities in access to care for  
19 racial and ethnic minorities as well as for LGBTQ persons.

1 (2) The legislature, therefore, intends to provide coverage for  
2 the diagnosis of and treatment for infertility, as well as for  
3 standard fertility preservation services.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43  
5 RCW to read as follows:

6 (1) Health plans issued or renewed on or after January 1, 2025,  
7 must include coverage for the diagnosis of infertility, treatment for  
8 infertility, and standard fertility preservation services. The  
9 benefits must be provided to enrollees, including covered spouses and  
10 covered nonspouse dependents, to the same extent as other pregnancy-  
11 related benefits. Coverage must provide for four completed oocyte  
12 retrievals with unlimited embryo transfers in accordance with the  
13 guidelines of the American society for reproductive medicine, using  
14 single embryo transfer when recommended and medically appropriate.

15 (2) Health plans issued or renewed on or after January 1, 2025,  
16 may not include:

17 (a) Any exclusions, limitations, or other restrictions on  
18 coverage of fertility medications that are different from those  
19 imposed on other prescription medications;

20 (b) Any exclusions, limitations, or other restrictions on  
21 coverage of any fertility services based on a covered individual's  
22 participation in fertility services provided by or to a third party;  
23 or

24 (c) Any deductibles, copayments, coinsurance, benefit maximums,  
25 waiting periods, or any other limitations on coverage for the  
26 diagnosis of infertility, treatment of infertility, and standard  
27 fertility preservation services, except as provided in this section,  
28 that are different from those imposed upon benefits for services not  
29 related to infertility.

30 (3) If at any time the state is required by the secretary of the  
31 United States department of health and human services, or its  
32 successor agency, to defray the cost of coverage for the diagnosis of  
33 infertility, treatment for infertility, and standard fertility  
34 preservation services for individual or small group health plans as  
35 required under subsection (1) of this section, the requirements of  
36 this section are inoperative as applied to individual and small group  
37 health plans and the state may not assume any obligation for the cost  
38 of coverage for the diagnosis of infertility, treatment for

1 infertility, and standard fertility preservation services for  
2 individual and small group health plans.

3 (4) For the purposes of this section:

4 (a) "Diagnosis of and treatment for infertility" means the  
5 recommended procedures and medications from the direction of a  
6 licensed physician or osteopathic physician that are consistent with  
7 established, published, or approved medical practices or professional  
8 guidelines from the American college of obstetricians and  
9 gynecologists or the American society for reproductive medicine.

10 (b) "Infertility" means a disease, condition, or status  
11 characterized by:

12 (i) The failure to establish a pregnancy or to carry a pregnancy  
13 to live birth after regular, unprotected sexual intercourse;

14 (ii) A person's inability to reproduce either as a single  
15 individual or with the person's partner without medical intervention;

16 (iii) A licensed physician's or osteopathic physician's findings  
17 based on a patient's medical, sexual, and reproductive history, age,  
18 physical findings, or diagnostic testing; or

19 (iv) Disability as an impairment of function.

20 (c) "Regular, unprotected sexual intercourse" means no more than  
21 12 months of unprotected sexual intercourse for a woman under the age  
22 of 35 or no more than six months of unprotected sexual intercourse  
23 for a woman 35 years of age or older. Pregnancy resulting in  
24 miscarriage does not restart the 12-month or six-month time period to  
25 qualify as having infertility.

26 (d) "Standard fertility preservation services" means procedures  
27 that are consistent with the established medical practices or  
28 professional guidelines published by the American society of  
29 reproductive medicine or the American society of clinical oncology  
30 for a person who has a medical condition or is expected to undergo  
31 medication therapy, surgery, radiation, chemotherapy, or other  
32 medical treatment that is recognized by medical professionals to  
33 cause a risk of impairment to fertility.

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.05  
35 RCW to read as follows:

36 (1) Health plans offered to employees and their covered  
37 dependents under this chapter issued or renewed on or after January  
38 1, 2025, must include coverage for the diagnosis of infertility,  
39 treatment for infertility, and standard fertility preservation

1 services. The benefits must be provided to enrollees, including  
2 covered spouses and covered nonspouse dependents, to the same extent  
3 as other pregnancy-related benefits. Coverage must provide for four  
4 completed oocyte retrievals with unlimited embryo transfers in  
5 accordance with the guidelines of the American society for  
6 reproductive medicine, using single embryo transfer when recommended  
7 and medically appropriate.

8 (2) Health plans offered to employees and their covered  
9 dependents under this chapter issued or renewed on or after January  
10 1, 2025, may not include:

11 (a) Any exclusions, limitations, or other restrictions on  
12 coverage of fertility medications that are different from those  
13 imposed on other prescription medications;

14 (b) Any exclusions, limitations, or other restrictions on  
15 coverage of any fertility services based on a covered individual's  
16 participation in fertility services provided by or to a third party;  
17 or

18 (c) Any deductibles, copayments, coinsurance, benefit maximums,  
19 waiting periods, or any other limitations on coverage for the  
20 diagnosis of infertility, treatment of infertility, and standard  
21 fertility preservation services, except as provided in this section,  
22 that are different from those imposed upon benefits for services not  
23 related to infertility.

24 (3) For the purposes of this section:

25 (a) "Diagnosis of and treatment for infertility" means the  
26 recommended procedures and medications from the direction of a  
27 licensed physician or osteopathic physician that are consistent with  
28 established, published, or approved medical practices or professional  
29 guidelines from the American college of obstetricians and  
30 gynecologists or the American society for reproductive medicine.

31 (b) "Infertility" means a disease, condition, or status  
32 characterized by:

33 (i) The failure to establish a pregnancy or to carry a pregnancy  
34 to live birth after regular, unprotected sexual intercourse;

35 (ii) A person's inability to reproduce either as a single  
36 individual or with the person's partner without medical intervention;

37 (iii) A licensed physician's or osteopathic physician's findings  
38 based on a patient's medical, sexual, and reproductive history, age,  
39 physical findings, or diagnostic testing; or

40 (iv) Disability as an impairment of function.

1 (c) "Regular, unprotected sexual intercourse" means no more than  
2 12 months of unprotected sexual intercourse for a woman under the age  
3 of 35 or no more than six months of unprotected sexual intercourse  
4 for a woman 35 years of age or older. Pregnancy resulting in  
5 miscarriage does not restart the 12-month or six-month time period to  
6 qualify as having infertility.

7 (d) "Standard fertility preservation services" means procedures  
8 that are consistent with the established medical practices or  
9 professional guidelines published by the American society of  
10 reproductive medicine or the American society of clinical oncology  
11 for a person who has a medical condition or is expected to undergo  
12 medication therapy, surgery, radiation, chemotherapy, or other  
13 medical treatment that is recognized by medical professionals to  
14 cause a risk of impairment to fertility.

15 NEW SECTION. **Sec. 4.** This act may be known and cited as the  
16 Washington state building families act.

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