
SUBSTITUTE HOUSE BILL 1151

State of Washington

68th Legislature

2023 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Stonier, Macri, Reed, Peterson, Berry, Ramel, Fitzgibbon, Cortes, Callan, Simmons, Reeves, Lekanoff, Bergquist, Fosse, and Ormsby)

READ FIRST TIME 02/10/23.

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

16 (2) Group health plans other than small group health plans issued
17 or renewed on or after January 1, 2025, may not include:

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

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

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

31 (3) For the purposes of this section:

32 (a) "Diagnosis of and treatment for infertility" means the
33 recommended procedures and medications from the direction of a
34 licensed physician or osteopathic physician that are consistent with
35 established, published, or approved medical practices or professional
36 guidelines from the American college of obstetricians and
37 gynecologists or the American society for reproductive medicine.

38 (b) "Infertility" means a disease, condition, or status
39 characterized by:

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

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

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

8 (iv) Disability as an impairment of function.

9 (c) "Regular, unprotected sexual intercourse" means no more than
10 12 months of unprotected sexual intercourse for a woman under the age
11 of 35 or no more than six months of unprotected sexual intercourse
12 for a woman 35 years of age or older. Pregnancy resulting in
13 miscarriage does not restart the 12-month or six-month time period to
14 qualify as having infertility.

15 (d) "Standard fertility preservation services" means procedures
16 that are consistent with the established medical practices or
17 professional guidelines published by the American society of
18 reproductive medicine or the American society of clinical oncology
19 for a person who has a medical condition or is expected to undergo
20 medication therapy, surgery, radiation, chemotherapy, or other
21 medical treatment that is recognized by medical professionals to
22 cause a risk of impairment to fertility.

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

25 (1) Health plans offered to employees and their covered
26 dependents under this chapter issued or renewed on or after January
27 1, 2025, must include coverage for the diagnosis of infertility,
28 treatment for infertility, and standard fertility preservation
29 services. The benefits must be provided to enrollees, including
30 covered spouses and covered nonspouse dependents, to the same extent
31 as other pregnancy-related benefits. Coverage must provide for four
32 completed oocyte retrievals with unlimited embryo transfers in
33 accordance with the guidelines of the American society for
34 reproductive medicine, using single embryo transfer when recommended
35 and medically appropriate.

36 (2) Health plans offered to employees and their covered
37 dependents under this chapter issued or renewed on or after January
38 1, 2025, may not include:

1 (a) Any exclusions, limitations, or other restrictions on
2 coverage of fertility medications that are different from those
3 imposed on other prescription medications;

4 (b) Any exclusions, limitations, or other restrictions on
5 coverage of any fertility services based on a covered individual's
6 participation in fertility services provided by or to a third party;
7 or

8 (c) Any deductibles, copayments, coinsurance, benefit maximums,
9 waiting periods, or any other limitations on coverage for the
10 diagnosis of infertility, treatment of infertility, and standard
11 fertility preservation services, except as provided in this section,
12 that are different from those imposed upon benefits for services not
13 related to infertility.

14 (3) For the purposes of this section:

15 (a) "Diagnosis of and treatment for infertility" means the
16 recommended procedures and medications from the direction of a
17 licensed physician or osteopathic physician that are consistent with
18 established, published, or approved medical practices or professional
19 guidelines from the American college of obstetricians and
20 gynecologists or the American society for reproductive medicine.

21 (b) "Infertility" means a disease, condition, or status
22 characterized by:

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

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

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

30 (iv) Disability as an impairment of function.

31 (c) "Regular, unprotected sexual intercourse" means no more than
32 12 months of unprotected sexual intercourse for a woman under the age
33 of 35 or no more than six months of unprotected sexual intercourse
34 for a woman 35 years of age or older. Pregnancy resulting in
35 miscarriage does not restart the 12-month or six-month time period to
36 qualify as having infertility.

37 (d) "Standard fertility preservation services" means procedures
38 that are consistent with the established medical practices or
39 professional guidelines published by the American society of
40 reproductive medicine or the American society of clinical oncology

1 for a person who has a medical condition or is expected to undergo
2 medication therapy, surgery, radiation, chemotherapy, or other
3 medical treatment that is recognized by medical professionals to
4 cause a risk of impairment to fertility.

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

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