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**SUBSTITUTE HOUSE BILL 1151**

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**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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