

**Introduced by Senator Portantino**January 23, 2017

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An act to add Section 1374.551 to the Health and Safety Code, and to add Section 10119.61 to the Insurance Code, relating to health care coverage.

## LEGISLATIVE COUNSEL'S DIGEST

SB 172, as introduced, Portantino. Health care coverage: fertility preservation.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law requires every group health care service plan contract and health insurance policy that covers hospital, medical, or surgical expenses to offer coverage for the treatment of infertility, as defined, except in vitro fertilization.

This bill would require an individual or group health care service plan contract or health insurance policy issued, amended, or renewed on and after January 1, 2018, that covers hospital, medical, or surgical expenses to include coverage for medically necessary expenses for standard fertility preservation services when a necessary medical treatment may directly or indirectly cause iatrogenic infertility to an enrollee or insured.

Because a willful violation of these provisions by a health care service plan would be a crime, this bill would impose state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1374.551 is added to the Health and  
2 Safety Code, to read:

3 1374.551. An individual or group health care service plan  
4 contract issued, amended, or renewed on and after January 1, 2018,  
5 that covers hospital, medical, or surgical expenses shall include  
6 coverage for medically necessary expenses for standard fertility  
7 preservation services when a necessary medical treatment may  
8 directly or indirectly cause iatrogenic infertility to an enrollee.

9 SEC. 2. Section 10119.61 is added to the Insurance Code, to  
10 read:

11 10119.61. An individual or group health insurance policy  
12 issued, amended, or renewed on and after January 1, 2018, that  
13 covers hospital, medical, or surgical expenses shall include  
14 coverage for medically necessary expenses for standard fertility  
15 preservation services when a necessary medical treatment may  
16 directly or indirectly cause iatrogenic infertility to an insured.

17 SEC. 3. No reimbursement is required by this act pursuant to  
18 Section 6 of Article XIII B of the California Constitution because  
19 the only costs that may be incurred by a local agency or school  
20 district will be incurred because this act creates a new crime or  
21 infraction, eliminates a crime or infraction, or changes the penalty  
22 for a crime or infraction, within the meaning of Section 17556 of  
23 the Government Code, or changes the definition of a crime within  
24 the meaning of Section 6 of Article XIII B of the California  
25 Constitution.

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