

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS35359-MRap-132A

Short Title: Greater Access to Fertility Medication. (Public)

Sponsors: Senators Murdock and Bode (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE ACCESS TO FERTILITY MEDICATION UNDER CERTAIN
3 HEALTH BENEFIT PLANS THAT OFFER FERTILITY TREATMENT COVERAGE
4 AND UNDER THE STATE HEALTH PLAN FOR TEACHERS AND STATE
5 EMPLOYEES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** Article 3 of Chapter 58 of the General Statutes is amended by adding
8 a new section to read:

9 "**§ 58-3-241. Fertility treatment coverage.**

10 (a) The following definitions apply in this section:

11 (1) Experimental fertility procedure. – A procedure for which the published
12 medical evidence is not sufficient for the American Society of Reproductive
13 Medicine, its successor organization, or a comparable organization to regard
14 the procedure as an established medical practice.

15 (2) Fertility treatment. – A procedure, healthcare product, medication, or
16 healthcare service intended to achieve pregnancy consistent with the
17 established medical practice and professional guidelines published by the
18 American Society of Reproductive Medicine, its successor organization, or a
19 comparable organization.

20 (3) Insurer. – As defined in G.S. 58-3-167.

21 (b) If a health benefit plan offered by an insurer provides coverage for any fertility
22 treatment, then all of the following shall apply:

23 (1) Any limitation on coverage for ovulation medication shall not be different
24 than the limitations imposed on other prescription medications.

25 (2) No annual or lifetime limitations shall apply to the coverage for ovulation
26 medication and ovulation induction cycles for services provided by healthcare
27 providers that participate in the health benefit plan's provider network.

28 (c) Nothing in this section shall be construed to require coverage for fertility treatment
29 or experimental fertility procedures under a health benefit plan."

30 **SECTION 1.(b)** This section is effective October 1, 2024, and applies to insurance
31 contracts issued, renewed, or amended on or after that date.

32 **SECTION 2.** Effective with the January 1, 2025, plan coverage year, the Board of
33 Trustees for the State Health Plan for Teachers and State Employees (State Health Plan) shall
34 remove any annual or lifetime limitations on the coverage for ovulation medication and ovulation
35 induction cycles for services offered in-network under the State Health Plan. Any limitation on



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1 coverage for ovulation medication shall not be different than the limitations imposed on other
2 prescription medications.

3 **SECTION 3.** Effective July 1, 2024, there is appropriated from the General Fund to
4 the Department of Insurance the sum of two million five hundred thousand dollars (\$2,500,000)
5 in nonrecurring funds for the purposes of implementing Section 1 of this act, including any
6 associated education campaigns directed toward consumers or insurers about the coverage
7 changes or review of health benefit insurance contracts and policies offered in this State for
8 compliance with that section.

9 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
10 law.