

AN ACT

relating to health benefit coverage for certain fertility preservation services and notice regarding certain risks of impaired fertility.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 161, Health and Safety Code, is amended by adding Subchapter X to read as follows:

SUBCHAPTER X. INFORMATION REGARDING RISK OF IMPAIRED FERTILITY FROM
CANCER TREATMENTS

Sec. 161.681. NOTICE FOR CHILDREN RECEIVING CHEMOTHERAPY OR RADIATION. (a) A health care facility at which a child will begin receiving chemotherapy or radiation that may directly or indirectly cause impaired fertility must, before the treatment begins, notify the child's parents or legal guardians of the risk of impaired fertility from treatment.

(b) The department shall develop and make available a written notice for a health care facility to use for purposes of this section.

SECTION 2. Chapter 1366, Insurance Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. COVERAGE FOR CERTAIN FERTILITY PRESERVATION SERVICES

Sec. 1366.101. DEFINITION. In this subchapter, "fertility preservation services":

(1) means the collection and preservation of sperm,

1 unfertilized oocytes, and ovarian tissue; and

2 (2) does not include the storage of such unfertilized
3 genetic materials.

4 Sec. 1366.102. APPLICABILITY OF SUBCHAPTER. (a) This
5 subchapter applies only to a health benefit plan that provides
6 benefits for medical or surgical expenses incurred as a result of a
7 health condition, accident, or sickness, including an individual,
8 group, blanket, or franchise insurance policy or insurance
9 agreement, a group hospital service contract, or an individual or
10 group evidence of coverage or similar coverage document that is
11 issued in this state by:

12 (1) an insurance company;

13 (2) a group hospital service corporation operating
14 under Chapter 842;

15 (3) a health maintenance organization operating under
16 Chapter 843;

17 (4) an approved nonprofit health corporation that
18 holds a certificate of authority under Chapter 844;

19 (5) a multiple employer welfare arrangement that holds
20 a certificate of authority under Chapter 846;

21 (6) a stipulated premium company operating under
22 Chapter 884;

23 (7) a fraternal benefit society operating under
24 Chapter 885;

25 (8) a Lloyd's plan operating under Chapter 941; or

26 (9) an exchange operating under Chapter 942.

27 (b) Notwithstanding any other law, this subchapter applies

1 to:

2 (1) a small employer health benefit plan subject to
3 Chapter 1501, including coverage provided through a health group
4 cooperative under Subchapter B of that chapter; and

5 (2) a standard health benefit plan issued under
6 Chapter 1507.

7 Sec. 1366.103. EXCEPTIONS. This subchapter does not apply
8 to:

9 (1) a health benefit plan that provides coverage:

10 (A) for wages or payments in lieu of wages for a
11 period during which an employee is absent from work because of
12 sickness or injury; or

13 (B) only for hospital expenses;

14 (2) Medicaid managed care programs operated under
15 Chapter 533, Government Code;

16 (3) Medicaid programs operated under Chapter 32, Human
17 Resources Code; or

18 (4) the state child health plan operated under Chapter
19 62 or 63, Health and Safety Code.

20 Sec. 1366.104. REQUIRED COVERAGE. (a) Subject to
21 Subsection (b), a health benefit plan must provide coverage for
22 fertility preservation services to a covered person who will
23 receive a medically necessary treatment for cancer, including
24 surgery, chemotherapy, or radiation, that the American Society of
25 Clinical Oncology or the American Society for Reproductive Medicine
26 has established may directly or indirectly cause impaired
27 fertility.

1 (b) The fertility preservation services described by
2 Subsection (a) must be standard procedures to preserve fertility
3 consistent with established medical practices or professional
4 guidelines published by the American Society of Clinical Oncology
5 or the American Society for Reproductive Medicine.

6 SECTION 3. Subchapter X, Chapter 161, Health and Safety
7 Code, as added by this Act, applies only to a child who will begin
8 chemotherapy or radiation on or after the effective date of this
9 Act.

10 SECTION 4. Subchapter C, Chapter 1366, Insurance Code, as
11 added by this Act, applies only to a health benefit plan that is
12 delivered, issued for delivery, or renewed on or after January 1,
13 2024.

14 SECTION 5. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 1649 was passed by the House on May 6, 2023, by the following vote: Yeas 104, Nays 31, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1649 on May 25, 2023, by the following vote: Yeas 114, Nays 30, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1649 was passed by the Senate, with amendments, on May 23, 2023, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

APPROVED: _____

Date

Governor