

Governor Murphy Signs Legislation Expanding Insurance Coverage for Infertility Care

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TRENTON – Governor Phil Murphy today signed [A5235/S3627](https://pub.njleg.state.nj.us/Bills/2022/A5500/5235_R2.PDF) (https://pub.njleg.state.nj.us/Bills/2022/A5500/5235_R2.PDF) to expand health insurance coverage requirements for infertility services. The bill requires that certain private sector health insurers, which are regulated by the State and which provide pregnancy-related benefits to groups of more than 50 people, the State Health Benefits Program, and the School Employees' Health Benefits Program, to provide coverage for any services related to infertility in accordance with the American Society for Reproductive Medicine guidelines and as determined by a physician.

Covered services include, but are not limited to, different types of in vitro fertilization, intrauterine insemination, genetic testing, and embryo transfers. The bill mandates coverage of infertility services for a partner of a person who has successfully reversed a voluntary sterilization, and further provides that nothing in the definition of "infertility" may be used to deny or delay treatment to any individual, regardless of relationship status or sexual orientation, as well as prohibits health insurance carriers from imposing restrictions concerning the coverage of infertility services based on age. Today's coverage expansion builds upon health benefits coverage mandates for fertility preservation services under P.L. 2019, c. 306.

"Making fertility services more accessible and affordable is another step in New Jersey's comprehensive approach to strengthening reproductive health care and reproductive freedom. There are many different paths toward starting a family, each defined by their own unique challenges and joys," **said Governor Murphy**. "For those who struggle with infertility and for same-sex couples, the possibility of starting a family is deeply impacted by the availability and accessibility of infertility care and other medical services that, without coverage, can be extremely costly. Today's bill will create new opportunities for families across New Jersey to take on one of the hardest and most rewarding jobs there is – parenthood."

"With this legislation, we are putting critical fertility services within reach for individuals and families in New Jersey. Those struggling with infertility or in need of medical services to start a family should not have to refinance their home or spend through their savings to achieve their dreams of parenthood," **said Lieutenant Governor Tahesha Way**. "With today's action, we are making critical fertility treatments accessible and affordable for New Jersey families."

"In New Jersey, we have made it a priority to uplift reproductive freedoms, giving individuals and families the ability to decide if, when, and how they start a family," **said First Lady Tammy Murphy**. "Providing coverage for fertility services such as intrauterine insemination, genetic testing, and embryo transfers directly aligns with our mission to empower choice in the reproductive decision-making process. This will make a difference for so many New Jerseyans who are trying to start a family."

"Expanding insurance coverage for infertility treatment will help many New Jersey residents who are struggling with starting or expanding their families," **said New Jersey Department of Banking and Insurance Acting Commissioner Justin Zimmerman**. "This legislation will eliminate barriers to accessing affordable treatment and services that can make the dream of having a family a reality."

Sponsors of the legislation include Senators Joe Vitale and Brian Stack and Assemblymembers Pamela Lampitt, Shavonda Sumter, and Sterley Stanley.

"As many as one in six people of childbearing age suffer from difficulties involving infertility. And while viable treatment services are available, they are often too expensive or too difficult to access," **said Senator Joe Vitale, Chair of the Senate Health, Human Services and Senior Citizens Committee**. "This law will help ensure all people with dreams of starting a family can access the support they need and require health insurance to help cover the cost."

"Starting to grow a family is often a financial challenge, which is only exacerbated by exorbitant costs that persist in infertility treatment services," **said Senator Brian Stack**. "This law will help remove barriers for those treatments,

allowing many New Jerseyans to more easily have children."

"Infertility challenges and struggles to conceive affect far more people in our state than most of us realize," **said Assemblywoman Pamela Lampitt**. "Because of inadequacy in how these cases have been treated by insurance, the cost burden for starting a family in such instances is overwhelming and unachievable for the vast majority who need help. Successful conception should be a realistic option for any New Jersey family, not a luxury item for the wealthy and privileged. The signing of this legislation is a victory for all those who face these challenges, particularly those who are doing so with limited financial resources."

"Financial hardships should not be a barrier to starting a family," **said Assemblywoman Shavonda E. Sumter**. "With the enactment of this legislation, we are working to ensure that insurance coverage for infertility treatment isn't denied to individuals, regardless of relationship status or sexual orientation. This is a momentous day for couples - and individuals - who long to be parents."

"A couple or individual struggling with infertility should not have their decisions of how to proceed dictated by their finances," **said Assemblyman Sterley Stanley**. "Revising health insurance coverage requirements for the treatment of infertility will enable many more individuals - and couples - to experience the joys of starting or expanding a family."

"Today, New Jersey took another step towards equality when Governor Phil Murphy signed A5235/S3627 into law. ASRM thanks bill sponsors Senator Vitale and Assemblymember Lampitt for championing the expansion of fertility care, and Governor Murphy for signing this bill into law today, ensuring that more New Jerseyans are able to access vital family-building care," **American Society of Reproductive Medicine President Dr. Paula Amato**.

"Governor Murphy and the Legislature have again committed to making New Jersey a family-friendly state. This legislation provides people who want to have children with affordable means to overcome the barrier of infertility," **said Garden State Equality Action Fund Board Member Bill Singer, Esq.**

"Thank you to all who supported making this bill a reality. This new legislation isn't solely about mitigating financial constraints; it acknowledges an undeniable truth that every individual, irrespective of circumstances, should be able to embrace their dream of parenthood," **said Ralph and Michael Maguire-Losanno, of Morris Plains, advocates for families who will benefit from the bill.**

"We celebrate the passage of a groundbreaking bill, which makes the dream of parenthood a reality for many citizens. This landmark legislation demonstrates New Jersey's continued commitment to equality and inclusion, and is a significant step towards ensuring reproductive rights for all," **said Amelia and Rachel Fairley, of Bridgewater, advocates for families who will benefit from the bill.**

"Expanding insurance coverage for infertility treatment assures that every person in New Jersey can start a family if and when it is right for them, regardless of their income. This bill will ensure that people already facing the most barriers to health services, including LGBTQ+ people, people of color, and people with low incomes, can start a family on their own terms. Planned Parenthood Action Fund of New Jersey applauds Senators Vitale, and Stack, Assemblymembers Lampitt, Sumter, and Stanley, and the Governor for taking this critical step towards making New Jersey one of the best places to access the full range of reproductive health care," **said Planned Parenthood Action Fund of New Jersey Executive Director Jackie Cornell.**

"The New Jersey State Bar Association is grateful for the Governor's support of A5235/S3627 as it expands access to the treatment of infertility by requiring insurance companies to provide coverage for such treatment when a person has been determined by their physician to be in need of medical intervention to achieve a pregnancy. The NJSBA has supported this bill and its revision to the definition of the disease of infertility as an important measure that will help ensure equitable access to coverage for crucial medical treatment," **said NJ State Bar Association President Timothy F. McGoughran.**

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