

HOUSE BILL NO. 2236

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MURRAY.

5740H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapters 192 and 376, RSMo, by adding thereto three new sections relating to access to fertility treatment, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 192 and 376, RSMo, are amended by adding thereto three new sections, to be known as sections 192.1035, 192.1037, and 376.1246, to read as follows:

2 **192.1035. 1. This section and sections 192.1037 and 376.1246 shall be known and**
3 **may be cited as the "Missouri Family Building and Fertility Access Act".**

4 **2. As used in this section and section 192.1037, the following terms mean:**

5 **(1) "Certified fertility clinic", a facility or provider offering fertility treatment**
6 **that is accredited by the American Society for Reproductive Medicine or the American**
7 **College of Obstetricians and Gynecologists;**

8 **(2) "Fertility treatment", procedures, services, and medications used to diagnose**
9 **or address infertility, as the term "infertility" is defined by the American Society for**
10 **Reproductive Medicine;**

11 **(3) "Program", the infertility access program established under subsection 3 of**
12 **this section.**

13 **3. Subject to appropriation, the department of health and senior services shall**
14 **establish a program to be known as the "Infertility Access Program" to improve access**
15 **to fertility treatment in this state.**

16 **4. The program shall:**

17 **(1) Provide travel assistance, lodging stipends, or telehealth subsidies for**
 individuals in rural or medically underserved areas seeking fertility diagnosis or fertility

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 treatment at certified fertility clinics and who would otherwise be unable to access
19 services at a certified fertility clinic;

20 (2) Support telemedicine infrastructure for fertility specialists serving shortage
21 areas designated by the department of health and senior services by rule; and

22 (3) Conduct community outreach and education on infertility care and available
23 resources.

24 5. The department of health and senior services may contract with local health
25 agencies or nonprofit organizations to administer the program.

26 6. (1) There is hereby created in the state treasury the "Infertility Access Fund",
27 which shall consist of moneys appropriated to it by the general assembly and any gifts,
28 contributions, grants, or bequests received from federal, private, or other sources. The
29 state treasurer shall be custodian of the fund. In accordance with sections 30.170 and
30 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated
31 fund and, upon appropriation, moneys in this fund shall be used solely to administer the
32 program established in this section.

33 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
34 remaining in the fund at the end of the biennium shall not revert to the credit of the
35 general revenue fund.

36 (3) The state treasurer shall invest moneys in the fund in the same manner as
37 other funds are invested. Any interest and moneys earned on such investments shall be
38 credited to the fund.

39 7. The department of health and senior services shall promulgate rules to
40 implement this section including, but not limited to, eligibility criteria for assistance
41 provided through the program. Any rule or portion of a rule, as that term is defined in
42 section 536.010, that is created under the authority delegated in this section shall
43 become effective only if it complies with and is subject to all of the provisions of chapter
44 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
45 and if any of the powers vested with the general assembly pursuant to chapter 536 to
46 review, to delay the effective date, or to disapprove and annul a rule are subsequently
47 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
48 adopted after August 28, 2026, shall be invalid and void.

192.1037. 1. The department of health and senior services, in coordination with
2 the department of commerce and insurance, shall produce a report every two years on
3 access to fertility treatment and outcomes.

4 2. The report shall include:

5 (1) Trends in infertility diagnoses, fertility treatment utilization, and outcomes
6 by region;

- 7 **(2) Barriers to care, including cost, distance, and provider availability;**
8 **(3) Recommendations for improving access and equity; and**
9 **(4) Comparative data aligned with the state's maternal health dashboards.**

10 **3. The department of health and senior services shall submit the report to the**
11 **governor, the speaker of the house of representatives, and the president pro tempore of**
12 **the senate and make the report publicly available online.**

376.1246. 1. As used in this section, the following terms mean:

- 2 **(1) "Enrollee", the same meaning given to the term in section 376.1350;**
3 **(2) "Fertility treatment", the same meaning given to the term in section**
4 **192.1035;**
5 **(3) "Health carrier", the same meaning given to the term in section 376.1350;**
6 **(4) "Participating enrollee", an enrollee who receives coverage of fertility**
7 **treatment by the enrollee's health carrier.**

8 **2. Each health carrier offering coverage of fertility treatment shall publish a**
9 **plain-language summary of the fertility coverage on its publicly accessible website**
10 **including, but not limited to, information on eligibility, coverage limitations, and**
11 **procedures covered.**

12 **3. (1) Each health carrier offering coverage of fertility treatment shall, on or**
13 **before March first of each calendar year, submit to the department of health and senior**
14 **services and the department of commerce and insurance an annual utilization report**
15 **including, but not limited to, the following information:**

- 16 **(a) The number of enrollees who received fertility treatment;**
17 **(b) The type of fertility treatment provided to participating enrollees;**
18 **(c) Geographic distribution of participating enrollees by zip code; and**
19 **(d) Demographic data, including age, race, ethnicity, gender, and income range,**
20 **of participating enrollees as reported voluntarily or as available through claims data.**

21 **(2) All reports submitted under this subsection shall exclude personally**
22 **identifiable information and comply with the federal Health Insurance Portability and**
23 **Accountability Act (42 U.S.C. Section 1320d et seq.) and state privacy laws.**

24 **(3) The department of health and senior services shall aggregate the data from**
25 **the reports submitted under this subsection and publish statewide findings annually on**
26 **its public website.**

27 **4. The department of commerce and insurance may issue such administrative**
28 **orders or penalties as authorized under section 374.046 for failure to comply with the**
29 **reporting or publication requirements of this section.**

30 **5. The department of commerce and insurance may promulgate rules to enforce**
31 **compliance with this section. Any rule or portion of a rule, as that term is defined in**

32 **section 536.010, that is created under the authority delegated in this section shall**
33 **become effective only if it complies with and is subject to all of the provisions of chapter**
34 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**
35 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
36 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
37 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
38 **adopted after August 28, 2026, shall be invalid and void.**

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