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**2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS**

Section I: General

Chamber: House

Category: Bill

Number: 95

Type: Introduced

Date (of THIS analysis): 01-23-25

Sponsor(s): Pamela Herndon, Katy M. Duhigg, Yanira Gurrola

Short Title: Coverage for Fertility Preservation Services

Reviewing Agency: Center for Healthy and Safe Communities

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	N/A	N/A

Explain what type of revenues this bill will generate: surcharges, taxes, fees, patient billing, federal revenues, etc.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non- recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	N/A	N/A

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

House Bill 95 (HB95) proposes to enact new sections of the Health Care Purchasing Act and the New Mexico Insurance Code to allow for fertility preservation services to be covered in certain circumstances.

Is this an amendment or substitution? ☐ Yes ☒ No

Is there an emergency clause? ☐ Yes ☒ No

b) Significant Issues

House Bill 95 (HB95) would require insurance plans to cover fertility preservation services, which are procedures that help people maintain their ability to have children. Fertility preservation can be used before medical treatments that may cause infertility, such as chemotherapy or radiation therapy.

Title X funds, which New Mexico has received since 1980, can be used for basic infertility services and to provide assistance to achieve pregnancy (<https://opa.hhs.gov/grant-programs/title-x-service-grants/about-title-x-service-grants>, retrieved on 1/23/25).

In the 118th Congress, House Resolution 4317 was introduced to require insurance plans to cover fertility preservation services (<https://www.congress.gov/bill/118th-congress/house-bill/4731/text>). The authors of this resolution found that “a 2017 national survey of employer-sponsored health plans found that 44 percent of employers with at least 500 employees did not cover infertility services, and 25 percent of companies with 20,000 or more employees did not cover infertility services and that coverage for infertility services under State Medicaid programs was found to be limited. Medicaid programs in only five states provide diagnostic testing for women and men in their program eligibility pathways; the Medicaid program of only one State provides coverage for certain medications for women experiencing infertility; and no State Medicaid programs cover intrauterine insemination or in vitro fertilization. In addition, it was reported in this resolution that

“according to the Centers for Disease Control and Prevention, 11 percent of women in the United States between the ages of 15 and 44 have difficulty getting pregnant or staying pregnant. Similarly, nine percent of men in the United States between the ages of 15 and 44 experience infertility.”

A map from the Alliance for Fertility Preservation, retrieved on 1/23/25, (<https://www.allianceforfertilitypreservation.org/state-legislation/>) shows that 19 states (including Colorado, Utah, Oklahoma, and Texas) have instituted legislation to cover fertility preservation services. Three states (Washington, Missouri, and Virginia) have active legislation to compel insurers to cover fertility preservation procedures.

Compelling insurers to cover fertility preservation procedures will likely improve the health and well-being of the population of New Mexico by removing possible financial barriers to receiving fertility preservation services and helping to decrease the stress around experiencing infertility.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
☐ Yes ☒ No
If yes, describe how.
- Is this proposal related to the NMDOH Strategic Plan? ☒ Yes ☐ No
 - ☒ **Goal 1:** We expand equitable access to services for all New Mexicans
 - ☐ **Goal 2:** We ensure safety in New Mexico healthcare environments
 - ☒ **Goal 3:** We improve health status for all New Mexicans
 - ☐ **Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
☐ Yes ☐ No ☒ N/A
- If there is an appropriation, is it included in the LFC Budget Request?
☐ Yes ☐ No ☒ N/A
- Does this bill have a fiscal impact on NMDOH? ☐ Yes ☒ No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? ☐ Yes ☒ No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

6. TECHNICAL ISSUES

Are there technical issues with the bill? ☐ Yes ☒ No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? ☐ Yes ☒ No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? ☐ Yes ☒ No
- Does this bill conflict with federal grant requirements or associated regulations?
☐ Yes ☒ No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? ☐ Yes ☒ No

8. DISPARITIES ISSUES

The population being served by HB95 are people of reproductive age, regardless of age, sex, sexual orientation, marital status, gender, or gender identity. HB95 proposes to expand equitable access to fertility preservation services. The federally funded Title X program provides access to basic infertility treatment to individuals with low or no income and who may be undocumented immigrants. HB95 would ensure this same access for insured individuals wishing to access fertility preservation services. Fertility treatment centers in New Mexico are primarily located in Albuquerque, so there is an issue with equitable access to services, especially for rural or frontier communities.

9. HEALTH IMPACT(S)

Removing barriers to accessing fertility preservation services would be expected to have a positive impact on health and well-being for the population wishing to access these services.

10. ALTERNATIVES

None

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If HB95 is not enacted, insurance plans would not be required to cover fertility preservation services, which are procedures that help people maintain their ability to have children.

12. AMENDMENTS

None