HINMAN
STRAUB PC
ATTORNEYS AT LAW

121 State Street
Albany, New York 12207-1693
Tel: 518-436-0751
Fax: 518-436-4751

March 4, 2026

RE: AN ACT to amend the insurance law, in relation to requiring insurance policies to provide coverage for general fertility preservation services

A.7339 (Rozic)
S.4497 (Hinchey)

MEMORANDUM IN OPPOSITION

Submitted on behalf of the Blue Cross and Blue Shield Plans

The New York State Conference of Blue Cross and Blue Shield Plans opposes enactment of this legislation, which imposes mandated coverage of elective fertility preservation. Currently, individual, small, large group insurance policies and contracts are required to cover standard fertility preservation services when a medical treatment causes iatrogenic infertility to a member. This bill would remove the causal connection between the medical treatment and the infertility and permit a member to elect fertility preservation to delay childbearing, which would lead to coverage that is not medically necessary and will result in overutilization. Such increases in coverage will ultimately be borne by New Yorkers, who will feel the financial burden of this mandate through increased premium costs.

Egg freezing is not a simple procedure, and requires a series of hormone injections, multiple ultrasounds, and an outpatient egg retrieval procedure. Even after the egg retrieval process, the clinical pregnancy rate per vitrified and thawed oocyte is 4.5% to 12%, with lower rates derived from oocytes obtained from women older than 30.[1] Thus, the costly impact of this unlimited coverage may not even accomplish its intentioned effect.

While childrearing may be delayed due to valid reasons, including career or financial goals, health insurance should be reserved for treatments that are medically necessary and required to prevent, diagnose, treat, or correct a condition. Unlike iatrogenic infertility, elective fertility preservation is unrelated to a member's health condition and is therefore not medically necessary. Moreover, fertility treatment is already mandated to be covered for certain Plans in New York State. Since 2019, large group insurance policies and contracts are required to provide coverage of three rounds

[1] Petropanagos et al., National Center to Biotechnology Information, *available at*: https://pmc.ncbi.nlm.nih.gov/articles/PMC4467930/#b1-1870666

of IVF used in the treatment of fertility. Notably, this coverage is only mandated *after* a diagnosis of infertility. The bill at hand would require limitless coverage of a service which is not medically necessary without any prerequisites. Undoubtedly, this will result in overutilization and increased costs to consumers.

For the foregoing reasons, the New York State Conference of Blue Cross and Blue Shield Plans strongly opposes this legislation and urges that it not be enacted.

Respectfully submitted,

HINMAN STRAUB ADVISORS, LLC.
Legislative Counsel for the Blue Cross and Blue Shield Plans of New York