

January 3, 2022

Hon. Brendan P. Crighton  
Joint Committee on Financial Services  
State House, Room 109-C  
24 Beacon Street  
Boston, MA, 02133

Hon. James M. Murphy  
Joint Committee on Financial Services  
State House, Room 254  
24 Beacon Street  
Boston, MA, 02133

**RE: Support for An Act Relative to Preserving Fertility (H.1116 and S.640) and An Act relative to LGBTQ family building (S.652)**

Dear Chair Crighton, Chair Murphy, and members of the Joint Committee on Financial Services,

**Fenway Health would like to go on record IN SUPPORT of An Act Relative to Preserving Fertility (H.1116 and S.640) and An Act to LGBTQ family building (S.652); we ask that you to report these bills favorably.**

Fenway Health was founded in 1971 and strives to advocate for and deliver culturally competent, equitable, and accessible health care and supportive services to those who identify as LGBTQIA+, BIPOC, or members of any other underserved community. Fenway Health also endeavors to conduct transformative research and provide education to our local, national, and global neighbors to prosper. We believe that healthcare is a right, not a privilege. This belief motivates Fenway Health to advocate and support initiatives on behalf of the LGBTQIA+ community across the Commonwealth.

Massachusetts law stipulates that insurance plans that provide subscribers with pregnancy benefits also cover treatments related to infertility. The current definition of infertility is “the condition of an individual who is unable to conceive or produce conception during a period of 1 year if the female is age 35 or younger or during a period of 6 months if the female is over the age of 35.”<sup>1</sup> This language does not provide explicit protections for LGBTQ+ couples and individuals who want to expand their families through fertility services. The right to have a family is fundamental, and the existing statutes fail to ensure that LGBTQ+ individuals have equal access to fertility services as heterosexual individuals in Massachusetts.

If passed, S.640 and H.1116, An Act Relative to Preserving Fertility, would stipulate that group insurance plans within the Commonwealth cover standard fertility preservation services when enrollees have a diagnosed medical or genetic condition that impairs fertility. These bills would significantly increase Massachusetts’s residents’ access to fertility preservation services. Several Massachusetts health insurance plans already cover fertility preservation services, so S.640 and H.1116 would expand coverage and promote health equity in the fertility preservation space.

S.652, An Act relative to LGBTQ family building, would repeal heteronormative language used in current statute regarding the definition of infertility. If passed, S.652 would redefine infertility in Massachusetts as “the condition of an individual, whereby an individual is unable to become

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<sup>1</sup> <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXII/Chapter176A/Section8K>

pregnant or to carry a pregnancy to live birth, or whereby an individual is unable to cause pregnancy and live birth in the individual's partner." The bill would also direct the Office of Health Equity to research the affordability, accessibility, and practicality of services LGBTQ+ individuals and couples can use to grow their families and recommend improvements to current services. Lastly, the bill directs the Board of Registration in medicine to develop training for physicians regarding options for LGBTQ+ couples to expand their families utilizing a medical approach.

Together, S.640, H.1116, and S.652 would promote equity in accessing fertility preservation services and provide explicit protections for LGBTQ+ individuals looking to use fertility preservation services. This is essential to promote people's fundamental right to create and build families within the Commonwealth regardless of their sexuality.

Fenway Health has always been an advocate for the LGBTQ+ community and has been helping members of this community become parents since 1983. Alternative conception services are essential for LGBTQ+ people to exercise their right to create a family. Fenway Health will continue to provide these services and fight to guarantee access to these services for the entire LGBTQ+ community.

Massachusetts has historically been at the forefront of fertility preservation. The passage of S.640, H.1116, and S.652 would keep Massachusetts in this position by expanding insurance plans' coverage of fertility preservation services across the state and including the LGBTQ+ community in fertility preservation protections. These bills will modernize Massachusetts law and inclusively promote family building. Please support and favorably report **An Act relative to LGBTQ family building (S.652) and An Act Relative to Preserving Fertility (S.640, and H.1116).**

Sincerely,



Carl Sciortino  
Executive Vice President of External Relations  
Fenway Health