

What You Need to Know About California's New Infertility Coverage Law (SB 729)

A new California law is changing the landscape for infertility benefits — and Warner Pacific is here to help you stay ahead of the curve.

Effective January 1, 2026, Senate Bill 729 (SB 729) requires fully insured Large Group health plans issued, amended, or renewed on or after that date to include coverage for the diagnosis and treatment of infertility, including in vitro fertilization (IVF). For brokers and employers alike, this means infertility coverage is no longer optional — it's becoming a standard part of fully insured Large Group offerings in California.

Implementation Timeline: SB 729 will take effect January 1, 2026.

Fully Insured Large Group Plans (101+ Employees)

SB 729 **expands** the previous definition of infertility and the scope of required coverage. It does not merely replace the old definition but builds upon it by:

- Broadening the definition of infertility to include:
 - ◊ A licensed physician's findings based on medical, sexual, and reproductive history, age, physical findings, and diagnostic testing.
 - ◊ Inability to reproduce without medical intervention (including LGBTQ+ individuals and single persons).
 - ◊ Recurrent pregnancy loss.
 - ◊ Failure to establish or carry a pregnancy to live birth after regular, unprotected intercourse (12 months for those under 35, 6 months for those 35 and older).
- Mandating coverage for:
 - ◊ Diagnosis and treatment of infertility.
 - ◊ IVF, GIFT, ZIFT*.
 - ◊ Up to 3 completed oocyte retrievals per lifetime.
 - ◊ Unlimited embryo transfers.
 - ◊ Fertility preservation services when medically necessary.
 - ◊ Medically necessary prescription drugs.
 - ◊ No lifetime or annual dollar limits.
 - ◊ Non-discriminatory access regardless of gender, sexual orientation, or relationship status.

*SB 729 expands the previous mandate—it does not replace or remove existing covered procedures like GIFT and ZIFT

Small Group Plans (1–100 Employees)

Carriers must offer at least one plan that includes:

- The same comprehensive infertility and IVF benefits required for Large Group
- **Employers** are **not** required to offer this plan to employees

How "Infertility" is Defined Under SB 729

Infertility includes:

- Physician's diagnosis based on medical, sexual, or reproductive history
- Inability to conceive after 12 months of unprotected intercourse (6 months if over age 35)
- Individuals requiring medical intervention to reproduce
- Those experiencing repeated miscarriages

Not Impacted by SB 729

- Self-funded and Level-Funded Plans (regulated federally under ERISA)
- Religious Employers
- Medi-Cal, Medicare
- CalPERS (until 2027)

Warner Pacific will continue to monitor the market and support brokers as fully insured carriers evolve their offerings.

What You Can Do Now

- Review renewals for compliance and plan changes
- Talk to clients about new Small Group plan options
- Prepare for questions around benchmarking and voluntary parity in level-funded/self-funded plans

Need help navigating the change?

Warner Pacific is here to support you every step of the way.