



State/Local Compliance Update: February 2024

A brief update on what happened the prior month in group health plan compliance at the state and local level, listed alphabetically.

Alabama

- **IVF uncertainty following Alabama Supreme Court ruling.** The Alabama Supreme Court ruled that cryogenically frozen embryos are children and are protected from destruction under state law—which puts into question the future of in-vitro fertilization (IVF) in the state. Many group health plans provide IVF coverage, and employers may want to identify employees and covered plan members residing in Alabama and consider the potential impact of this ruling on those individuals. Some fertility networks and reimbursement solutions are confirming the operational status of their vendor networks or partner clinics in Alabama, and they are reaching out to their employer clients with employees in that state to review their current benefit design—whether it covers shipping eggs or embryos, long-term storage, and if the benefit allows members to receive treatment at any in-network clinic in any state. The Alabama State legislature may have the last word and restore access to IVF, but we will continue to monitor this situation as it develops.

Minnesota

- **St. Paul issues new guidance for the City's Earned Sick and Safe Time (ESST) Ordinance.** St. Paul issued new [rules](#) addressing various topics under the ESST including: when time employees spend travelling constitutes time worked for purposes of accruing ESST; whether and when employees accrue and can use ESST for time spent on call; appropriate procedures for frontloading ESST in lieu of allowing employee to accrue ESST; using an existing PTO policy to satisfy ESST requirements; determining the hourly ESST rate for employees paid by salary, commission, or piece rate; requesting documentation to support ESST leave requests; and how employers may comply with the Ordinance by maintaining a general PTO policy. For more information see the St. Paul ESST [webpage](#).

Washington

- **Washington issues updated Paid Leave and WA Cares Employer Toolkits.** Washington has provided updated 2024 Employer Toolkits for Washington's Paid Leave and WA Cares Fund. The updated toolkits include the [Employer's Paid Leave Benefits Toolkit](#) which helps anyone with employees in Washington learn about Paid Leave benefits, and the [Employer Wage Reporting and Premiums Toolkit](#) which provides more information about employer responsibilities for Paid Leave and WA Cares Fund. These toolkits and additional employer resources are available [HERE](#).