

JAN 25 2023

A BILL FOR AN ACT

RELATING TO INSURANCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 431, Hawaii Revised Statutes, is
2 amended by adding a new section to article 10A, part I, to be
3 appropriately designated and to read as follows:

4 "§431:10A- Standard fertility preservation services
5 coverage. (a) Each individual or group accident and health or
6 sickness insurance policy issued or renewed in this State after
7 December 31, 2023, shall provide to the policyholder and
8 individuals under twenty-six years of age covered under the
9 policy coverage for standard fertility preservation services for
10 any insured who may undergo a medically necessary treatment that
11 may directly or indirectly cause iatrogenic infertility.

12 (b) No policy that provides coverage for standard
13 fertility preservation services as required by subsection (a)
14 shall:

15 (1) Use any prior diagnosis or prior fertility treatment
16 as a basis for excluding, limiting, or otherwise



1 restricting the availability of the required coverage;

2 or

3 (2) Discriminate based on the insured's expected length of

4 life, present or predicted disability, degree of

5 medical dependency, perceived quality of life, or

6 other health conditions.

7 (c) Any limitations imposed by a policy shall be based on

8 the covered individual's medical history and clinical guidelines

9 adopted by the insurer. Any clinical guidelines used by the

10 insurer shall be based on the current guidelines developed by

11 the American Society of Clinical Oncology and shall not deviate

12 from the full scope of the guidelines.

13 (d) As used in this section, unless the context requires

14 otherwise:

15 "Iatrogenic infertility" means an impairment of fertility

16 caused directly or indirectly by surgery, chemotherapy,

17 radiation, or other medical treatment affecting the reproductive

18 organs or processes.

19 "Medically necessary treatment that may directly or

20 indirectly cause iatrogenic infertility" means medical treatment



1 with a likely side effect of infertility as established by the
2 American Society of Clinical Oncology.

3 "Standard fertility preservation services" means the
4 procedures to preserve fertility as outlined and established
5 according to the professional guidelines published by the
6 American Society of Clinical Oncology. "Standard fertility
7 preservation services" includes the full scope of services or
8 treatments, without any exclusions or limitations, as defined in
9 the most recent professional guidelines established by the
10 American Society of Clinical Oncology. "Standard fertility
11 preservation services" does not include any experimental
12 procedure or other procedures for which the published medical
13 evidence is not sufficient for American Society of Clinical
14 Oncology as established medical practice."

15 SECTION 2. Chapter 432, Hawaii Revised Statutes, is
16 amended by adding a new section to article I, part VI, to be
17 appropriately designated and to read as follows:

18 "§432:1- Standard fertility preservation services
19 coverage. (a) Each individual or group hospital or medical
20 service plan contract issued or renewed in this State after
21 December 31, 2023, shall provide to the member and individuals



1 under twenty-six years of age covered under the plan contract,
2 coverage for standard fertility preservation services for any
3 covered person who may undergo a medically necessary treatment
4 that may directly or indirectly cause iatrogenic infertility.

5 (b) No plan contract that provides coverage for standard
6 fertility preservation services as required by subsection (a)
7 shall:

8 (1) Use any prior diagnosis or prior fertility treatment
9 as a basis for excluding, limiting, or otherwise
10 restricting the availability of the required coverage;

11 or

12 (2) Discriminate based on the covered person's expected
13 length of life, present or predicted disability,
14 degree of medical dependency, perceived quality of
15 life, or other health conditions.

16 (c) Any limitations imposed by a plan contract shall be
17 based on the covered individual's medical history and clinical
18 guidelines adopted by the mutual benefit society. Any clinical
19 guidelines used by the mutual benefit society shall be based on
20 the current guidelines developed by the American Society of



1 Clinical Oncology and shall not deviate from the full scope of
2 the guidelines.

3 (d) As used in this section, unless the context requires
4 otherwise:

5 "Iatrogenic infertility" means an impairment of fertility
6 caused directly or indirectly by surgery, chemotherapy,
7 radiation, or other medical treatment affecting the reproductive
8 organs or processes.

9 "Medically necessary treatment that may directly or
10 indirectly cause iatrogenic infertility" means medical treatment
11 with a likely side effect of infertility as established by the
12 American Society of Clinical Oncology.

13 "Standard fertility preservation services" means the
14 procedures to preserve fertility as outlined and established
15 according to the professional guidelines published by the
16 American Society of Clinical Oncology. "Standard fertility
17 preservation services" includes the full scope of services or
18 treatments, without any exclusions or limitations, as defined in
19 the most recent professional guidelines established by the
20 American Society of Clinical Oncology. "Standard fertility
21 preservation services" does not include any experimental



1 procedure or other procedures for which the published medical
2 evidence is not sufficient for American Society of Clinical
3 Oncology as established medical practice."

4 SECTION 3. Section 432D-23, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§432D-23 Required provisions and benefits.**

7 Notwithstanding any provision of law to the contrary, each
8 policy, contract, plan, or agreement issued in the State after
9 January 1, 1995, by health maintenance organizations pursuant to
10 this chapter, shall include benefits provided in sections
11 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
12 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,
13 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,
14 431:10A-133, 431:10A-134, 431:10A-140, and [~~431:10A-134,~~
15 431:10A-_____, and chapter 431M."

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.

19



S.B. NO. 1446

1

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "R. J. ...", written over a horizontal line.

S.B. NO. 1446

Report Title:

Insurance; Mandatory Coverage; Standard Fertility Preservation Services

Description:

For policies, contracts, plans, agreements, and plan contracts issued or renewed after 12/31/2023, requires insurers, mutual benefit societies, and health maintenance organizations to provide coverage for standard fertility preservation services.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

