

Honolulu, Hawaii

MAR 20 2025

RE: H.B. No. 139
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred H.B. No. 139, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO INSURANCE,"

begs leave to report as follows:

The purpose and intent of this measure is to, for policies, contracts, plans, and agreements issued or renewed after December 31, 2025, require insurers, mutual benefit societies, and health maintenance organizations to provide coverage for standard fertility preservation services for persons undergoing medically necessary treatment that may cause iatrogenic infertility.

Your Committee received testimony in support of this measure from the Hawaii Medical Service Association; Hawaii Association of Health Plans; Fertility Institute of Hawaii; Hawaii Society of Clinical Oncology; Association for Clinical Oncology; American Cancer Society Cancer Action Network; Advanced Reproductive Medicine & Gynecology of Hawaii, Inc; Leukemia & Lymphoma Society; Alliance for Fertility Preservation; and two individuals.

Your Committee received comments on this measure from the Department of the Attorney General, Insurance Division of the Department of Commerce and Consumer Affairs, Office of the Auditor, and Kaiser Permanente Hawaii.



Your Committee finds that cancer treatments such as chemotherapy and radiation can significantly damage reproductive tissues and affect fertility in both men and women. Your Committee further finds that access to fertility preservation is a crucial benefit for patients undergoing these treatments and whose desire to have children might otherwise delay their decision to seek necessary medical treatment. Your Committee notes that many cancer patients cannot afford the costs of fertility preservation therapies as these services are often not covered by health insurance and these patients are already financially burdened by the costs of their medically necessary treatments. Accordingly, this measure mandates health insurance coverage for fertility preservation procedures for patients at risk of infertility due to medical treatments to ensure that these individuals can access vital services without the added burden of financial strain.

Your Committee has amended this measure by:

- (1) Inserting language clarifying that the guidelines developed by the American Society of Clinical Oncology referenced in this measure are the 2018 update to the guidelines;
- (2) Clarifying the definition of "medically necessary treatment that may directly or indirectly cause iatrogenic infertility" to mean any cancer-related medical treatment with a likely side effect of infertility, rather than medical treatment with a likely side effect of infertility;
- (3) Inserting language clarifying that the definition of "standard fertility preservation services" does not include experimental procedures or other procedures not determined to be established medical practices according to the 2018 update to the guidelines developed by the American Society of Clinical Oncology;
- (4) Inserting language clarifying that the mandatory coverage for standard fertility preservation services by health maintenance organizations applies to policies issued or renewed after December 31, 2025;



- (5) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 139, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 139, H.D. 2, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* HB 139, HD2	Committee Referral: HHS, CPN/WAM	Date: 3/17/25		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
HASHIMOTO, Troy N.	✓			
KEOHOKALOLE, Jarrett	✓			
FEVELLA, Kurt	✓			
TOTAL	5			
Recommendation: <div style="display: flex; justify-content: space-around; align-items: center;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> Distribution: Original File with Committee Report </div> <div style="text-align: center;"> Yellow Clerk's Office </div> <div style="text-align: center;"> Pink Drafting Agency </div> <div style="text-align: center;"> Goldenrod Committee File Copy </div> </div>				

*Only one measure per Record of Votes