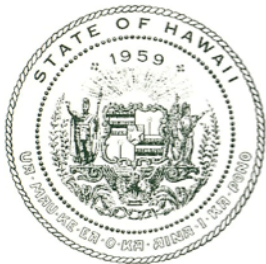


HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

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AMY MONK
LISA ELLEN SMITH

Executive Director
Cathy Betts, JD

Email:
Catherine.a.betts@hawaii.gov
Visit us at:
humanservices.hawaii.gov
/hscsw/

235 S. Beretania #407
Honolulu, HI 96813
Phone: 808-586-5758
FAX: 808-586-5756

February 22, 2017

To: Senator Jill Tokuda, Chair
Senator Donovan Dela Cruz, Vice Chair
Members of the Senate Committee on Ways and Means

From: Cathy Betts, Executive Director
Hawaii State Commission on the Status of Women

Re: Testimony in Support, SB 502, SD1, Relating to In Vitro
Fertilization Insurance Coverage

On behalf of the Hawaii State Commission on the Status of Women, I would like to express my support my support for SB 502, SD1 which would revise the HRS 431:10A-116.5 to allow equal coverage for in vitro fertilization treatment and procedures.

Individuals and couples are widely affected by infertility and IVF, for many, represents the only hope of having a child. IVF can be extremely expensive and cost prohibitive. Our changing demographics and the breadth of diversity found in families should be reflected in our policies. The current statute, as written, requires a woman to show 5 years of difficulty getting pregnant in order to receive coverage for infertility and requires the sperm of her spouse. Additionally, the statute prohibits lesbian and gay couples, unmarried couples, single women, and women whose male partners suffer from infertility from obtaining coverage. This is inherently discriminatory on its face.

The Commission strongly supports SB 502, SD1. Thank you for this opportunity to testify on this measure.



January 31, 2017

Senate's Committee on Ways and Means
Hawai'i State Capitol
415 South Beretania Street, Room 211
Honolulu, HI 96813

Hearing: Thursday, February 23, 2017 – 1:35 p.m.

RE: **STRONG SUPPORT for Senate Bill 502 SD 1** – RELATING TO IN VITRO
FERTILIZATION INSURANCE COVERAGE

Aloha Chairperson Tokuda, Vice Chair Dela Cruz and fellow committee members,

I am writing in STRONG SUPPORT to Senate Bill 502 Senate Draft 1 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i. SB 502 SD 1 will remove discriminatory requirements for mandatory insurance coverage of in vitro fertilization procedures to create parity of coverage for same-sex couples, unmarried women, and male-female couples for whom male infertility is the relevant factor.

The LGBT Caucus views this bill as a necessity for equality as this bill takes care of some gross inequality in the current insurance coverage with regards to IVF.

This bill is a priority for the LGBT Caucus of the DPH as well as the Democratic Party of Hawai'i. The Caucus was proud to introduce the recently passed DPH resolution "Resolution Urging Amendment of Hawaii's IVF Insurance Statutes to Provide Equal Access to IVF Coverage" that asks for the passage of an inclusive bill just like SB 502 SD 1.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr.
Chair and SCC Representative
LGBT Caucus for the DPH



Testimony of
John M. Kirimitsu
Legal & Government Relations Consultant

Before:
Senate Committee on Ways and Means
The Honorable Jill N. Tokuda, Chair
The Honorable Donovan M. Dela Cruz, Vice Chair

February 23, 2017
1:35 pm
Conference Room 211

Re: SB 502, SD1 Relating to In Vitro Fertilization Insurance Coverage

Chair, Vice Chair, and committee members, thank you for this opportunity to provide testimony on the Decision Making for this bill relating to in vitro fertilization coverage.

Kaiser Permanente Hawaii supports this bill, as amended.

Kaiser Permanente supports parity of coverage to ensure that the same types of in vitro fertilization procedures that are already available for a married couple of the opposite sex shall also be extended equally to same-sex couples and for women regardless of their marital status.

Thank you for the opportunity to comment.

**American Congress of Obstetricians and Gynecologists
District VIII, Hawaii (Guam & American Samoa) Section**

Greigh Hirata, MD, FACOG, Chair
94-235 Hanawai Circle, #1B
Waipahu, Hawaii 96797



To: Hawaii State Senate. Committee on Ways and Means
Senator Jill Tokuda, Chair
Senator Donovan Dela Cruz, Vice Chair

DATE: Thursday, Feb 23, 2017
TIME: 1:35 P.M.
PLACE: Conference Room 211

FROM: Hawaii Section, ACOG
Dr. Greigh Hirata, MD, FACOG, Chair
Dr. Jennifer Salcedo, MD, MPH, MPP, FACOG, Vice-Chair
Lauren Zirbel, Community and Government Relations

Re: SB502, SD1 Relating to In Vitro Fertilization Insurance Coverage

Position: Support

Dear Chair Tokuda and Members of the Committee,

The American Congress of Obstetricians and Gynecologist, Hawaii Section writes in support of S.B. 502 SD1, which seeks to amend Hawaii's IVF law to eliminate sex, sexual orientation, and marital status discrimination in insurance coverage.

S.B. 502 SD1 is a reproductive justice measure in that it seeks to address the lack of access and/or unequal access to infertility treatment. In this case, insurance coverage discriminates against and essentially restricts a person's reproduction based on their sex, sexual orientation and/or marital status. This kind of discrimination simply has no place in Hawaii law.

Thank you for this opportunity to testify in support of S.B. 502 SB1.



To: Hawaii State Senate Committee on Ways and Means
Hearing Date/Time: Thursday, Feb. 23, 2017, 1:35 p.m.
Place: Hawaii State Capitol, Rm. 211
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in support of S.B. 502, SD1, relating to In Vitro Fertilization Insurance Coverage

Dear Chair Tokuda and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in support of S.B. 502, SD1, which seeks to amend Hawaii's IVF law to eliminate sex, sexual orientation, and marital status discrimination in insurance coverage.

S.B. 502 is a reproductive justice measure in that it seeks to address the lack of access and/or unequal access to infertility treatment. In this case, insurance coverage discriminates against and essentially restricts a person’s reproduction based on their sex, sexual orientation and/or marital status. This kind of discrimination simply has no place in Hawaii law.

Thank you for this opportunity to testify in support of S.B. 502.

Sincerely,
Laurie Field
Hawaii Legislative Director and Public Affairs Manager



TIM VANDEVEER
Chair

MARGARET WILLE
SEAN SMITH
Legislation Committee Co-Chairs

In Support of SB 502 SD 1 “Relating to In Vitro Insurance Coverage”

Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair
Senate Committee on Ways and Means
February 23, 2017 1:35 p.m. State Capitol Conference Room 211

Submitted On Behalf of the Democratic Party of Hawai‘i

The Democratic Party of Hawai‘i (DPH) strongly supports SB 502 SD 1. DPH recognizes that in vitro fertilization (IVF) is an important reproductive technology for many couples and individuals who want to have children. Under current law, insurers who provide pregnancy-related benefits are required to provide a one-time benefit for IVF expenses. But the mandate applies only to women with opposite sex spouses, excluding same sex couples and unmarried women. DPH believes the mandate, as written, discriminates unfairly on the basis of sex, sexual orientation, and marital status. This bill amends the IVF insurance mandate, eliminating outdated and discriminatory limitations to ensure coverage equality for sex couples and unmarried women.

This bill is consistent with the Party’s platform, which supports equality for women accessing fertility services and for same sex couples pursuing the same rights and responsibilities as other married couples.

DPH has also passed a resolution specifically calling upon the legislature to “amend Hawaii’s IVF insurance laws to require equal coverage for same-sex couples, including same-sex male couples, and women regardless of marital status.” A copy of the resolution is attached.

Establishing equal IVF insurance coverage for unmarried women and same sex couples is one of DPH’s legislative priorities for the 2017 legislative session. We respectfully request that you pass this bill out of committee.

Mahalo for the opportunity to testify on this bill.



Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tim Vandever', is positioned below the text 'Respectfully submitted,'.

Tim Vandever
Chair of the Democratic Party of Hawai'i

/s/ Margaret Wille
/s/ Sean Smith
Legislative Committee Co-chairs

Resolution Urging Amendment of Hawaii's IVF Insurance Statutes to Provide Equal Access to IVF Coverage

Whereas, Thousands of same-sex couples in Hawai'i are now married since the passage of the Marriage Equality Act in 2013 and same-sex couples are increasingly using reproductive technologies like in vitro fertilization (IVF) to have children; therefore, be it

Resolved, That the Democratic Party of Hawai'i recognizes that IVF is expensive, averaging \$10,000-15,000 per cycle, or about 50% of average annual disposable income in the U.S., and that Sections 431:10A-116.5 and 432:1-604, Hawai'i Revised Statutes, require insurers who cover pregnancy-related benefits to also provide a one-time benefit for expenses arising from in-vitro fertilization (IVF) procedures; and be it

Resolved, That the Democratic Party of Hawai'i understands that this mandate currently only applies to women whose oocytes are fertilized with their husbands' sperm in circumstances where the couple has a history of infertility or infertility associated with certain medical conditions; and be it

Resolved, That the Democratic Party of Hawai'i recognizes the statutes, as written, exclude same sex couples and unmarried women; and be it

Resolved, That the Democratic Party of Hawai'i recognizes that some insurers offer policies that cover same-sex female couples but impose burdens not faced by opposite-sex couples by requiring them to first try intrauterine insemination (IUI), even if that procedure is not covered; and be it

Resolved, That the Democratic Party of Hawai'i recognizes Hawai'i insurers exclude same-sex male couples as they do not cover procedures involving donor oocytes and/or surrogates; and be it

Resolved, That the Democratic Party of Hawai'i recognizes that some but not all Hawaii insurers extend IVF coverage to unmarried women; and be it

Resolved, That the Democratic Party of Hawai'i believes that this constitutes discrimination on the basis of sex, sexual orientation, and marital status; and be it

Resolved, That the Democratic Party of Hawai'i recognizes such discrimination is inconsistent with the Marriage Equality Act, Section 1557 of the Affordable Care Act, and the core values of the Democratic Party of Hawai'i as expressed in its Platform; and be it

Resolved, That the Democratic Party of Hawai'i urges the Hawai'i state legislature to amend Hawaii's IVF insurance laws to require equal coverage for same-sex couples, including same-sex male couples, and women regardless of marital status ; and finally be it

Ordered, That copies of this resolution be transmitted to the Governor of the State of Hawai'i, the Lt. Governor of the State of Hawai'i, and all members of the Hawai'i State Legislatures who are members of the Democratic Party of Hawai'i.

Passed by the Democratic Party of Hawai'i on January 18, 2017



February 21, 2017

To: Hawai'i State Senate Committee on Commerce, Consumer Protection, and Health, the Hawai'i State Senate Committee on Judiciary and Labor, and the Hawai'i State Senate Committee on Ways and Means

Hearing Date/Time: Thursday, February 23, 2017 (1:35 p.m.)

Place: Hawai'i State Capitol, Rm. 211

Re: Testimony of American Association of University Women – Hawai'i in **SUPPORT of S.B. 502 S.D. 1**, relating to in vitro fertilization insurance coverage

Dear Senator Rozalyn H. Baker (Chair), Senator Clarence K. Nishihara (Vice Chair), Senator Gilbert S.C. Keith-Agaran (Chair), Senator Karl Rhoads (Vice-Chair), Senator Jill N. Tokuda (Chair), Senator Donovan M. Dela Cruz (Vice Chair), and Members of the CPH, JDL, and WAM Committees,

I am grateful for this opportunity to testify in **strong support of S.B. 502 S.D. 1**, relating to in vitro fertilization insurance coverage and equity.

My testimony is on behalf of the approximately 400 members of the American Association of University Women (AAUW) in Hawai'i, who list women's access to reproductive medical care as an important current concern.

I argue that passage of S.B. 502 S.D. 1 is important to allow all women in Hawai'i who desire children the same access to in vitro fertilization. It is ridiculous that in 2017, in vitro fertilization insurance coverage is limited to women married to men, rather than including same-sex couples, and all women, regardless of their relationship status. It is well past time to update this currently discriminatory insurance coverage.

In conclusion, passage of S.B. 502 S.D. 1 modernizes the law in a manner fitting contemporary understandings of health equity and family.

Thank you for the opportunity to testify.

Sincerely

Susan J. Wurtzburg, Ph.D.

Policy Chair



An Independent Licensee of the Blue Cross and Blue Shield Association

February 23, 2017

The Honorable Jill Tokuda, Chair
The Honorable Donovan M. Dela Cruz, Vice Chair
Senate Committee on Ways and Means

Re: SB 502, SD1 – Relating to In Vitro Fertilization Insurance Coverage

Dear Chair Tokuda, Vice Chair Dela Cruz, and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on SB 502, SD1, which would amend the requirements for mandatory insurance coverage of in vitro fertilization (IVF). HMSA would like to offer the following concerns with regard to this Bill.

We are aware and very empathetic to the situations under which the procedures outlined in this measure would be conducted. HMSA's current IVF policy does not discriminate against sex, sexual orientation, or marriage status.

However, SB 502, SD1 does raise several significant concerns that we would like to share with the Committee. We note the following:

- As drafted, the Bill will require coverage for IVF-related expenses of egg donors or surrogates for any member, including single males; this would be an expansion of the current benefit under §432:1-604. HMSA's current IVF policy does not cover surrogacy or donors in any form regardless of sex, sexual orientation, or marital status. As with any new benefit we are concerned with additional costs that would be incurred by the health plan and employer; therefore, we would ask the Committee to consider requiring an official auditor's report to fully assess the costs and any unintended consequences that could result.
- Changing the amount of time a member must demonstrate a history of infertility from five years to twelve months could be a concern with regard to the necessary time within which OB/GYNs and fertility specialists would need to accurately diagnose infertility.

Thank you for allowing us to share our concerns on SB 502, SD1.

Sincerely,

Mark K. Oto
Director, Government Relations.



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February 22, 2017

The Honorable Jill N. Tokuda
Chair, Senate Ways and Means Committee
Hawaii State Capitol, Room 211
Honolulu, HI 96813

Re: SB 502

Dear Chairwoman Tokuda and Members of the Ways and Means Committee:

As the President & CEO of RESOLVE: The National Infertility Association, a nonprofit that represents men and women all over the country who face fertility problems, we support SB 502.

On behalf of the over 28,000 Hawaiians who are trying to overcome the disease of infertility and have children, we urge the Ways and Means Committee to pass these bills, which update Hawaii's law providing coverage for in vitro fertilization (IVF).

The updates are discussed below:

1. **Removing the five-year waiting period.** The American Society for Reproductive Medicine (ASRM), which is the professional society in this field, defines infertility as the failure to conceive after one year (12 months) of intercourse; earlier evaluation may be justified after six months for women over the age of 35. Hawaii's old requirement of five years is obviously much longer. Waiting five years, however, can materially hurt a woman's chance of conceiving with IVF, because female fertility is time sensitive and beginning around age 32-35, declines quickly.

Hawaii's five-year waiting period is by far the longest waiting period in any of the laws mandating infertility insurance in this country. This bill will bring Hawaii's law in step with other states. And, it will help infertility patients obtain needed treatment on a timely basis.

2. **Eliminating the requirement that only the spouse's sperm may be used.** It makes sense medically to cast off this requirement because more than a third of infertility is caused by "male factor," that is, a problem with the man's sperm. Some husbands may also be carriers of a sex-linked disease. If pregnancy can't be achieved with a husband's sperm, then patients should be able to use sperm from a donor. Also, same-sex couples and unmarried women may need donor sperm to have a family. The proposed change in the bills will help Hawaiian citizens in these circumstances, too.

The updates are straightforward: they will help bring Hawaii's law in step with current practice; they improve the quality of care; their goal is equality and non-discrimination; and they are pro-family. We hope you will vote to pass SB 502. .

On behalf of people with infertility who are trying to build families, we support this legislation and urge you to pass it.

Respectfully submitted,

A handwritten signature in black ink that reads "Barbara Collura". The signature is written in a cursive, flowing style with a long horizontal tail on the final letter.

Barbara Collura
President & CEO



Hawai'i LGBT Legal Association

February 23, 2017

TO: Senate Committee on Ways and Means

FROM: Hawai'i LGBT Legal Association

RE: **Support for S.B. 502 S.D. 1**

Chair Tokuda, Vice Chair Dela Cruz, and committee members:

The Hawai'i LGBT Legal Association ("HLLA") is a voluntary professional organization of Hawai'i lawyers, legal workers and law students dedicated to the fair and just treatment of the LGBT community. **HLLA strongly supports S.B. 502 S.D.1.**

HLLA attorneys worked collaboratively with the Hawaii Women's Coalition on the language of this bill. The purpose of the bill is to amend Hawaii's in vitro fertilization (IVF) insurance mandate to require equal coverage for same sex couples and unmarried women.

Currently, the IVF mandate only benefits women with opposite sex spouses. Some Hawai'i insurers independently offer policies that cover female couples or women without male partners, but these policies are not guaranteed by law and not all cover single women. Further, no policies cover male couples; rather, they exclude procedures involving donor eggs and surrogates, which male couples require. While likely not intentional when it was enacted, the effect of the mandate is discriminatory, and it unfairly burdens same sex couples and unmarried women who may pay up to \$20,000 out of pocket for one IVF cycle.

S.B. 502 S.D. 1 ensures equal coverage for unmarried women and same sex couples by:

- Removing language in the statute that requires the involvement of a spouse;
- Adding language to clarify that members of same sex married couples qualify for coverage; and
- Adding additional language to clarify that procedures involving egg donors and surrogates (i.e. procedures required by male couples) will be covered.

The bill also reduces the "wait-period" for establishing infertility from 5 years to 1 year, consistent with the American Society of Reproductive Medicine's definition of "infertility."

S.B. 502 S.D. 1 is not about expanding the IVF mandate. The same types of procedures that were previously covered—i.e. egg retrieval, fertilization, and embryo transfer—will be covered. Rather, the

bill simply corrects outdated, and yes, now discriminatory, sex and marital-status based limitations in the existing mandate to ensure equal access and coverage for same sex couples and unmarried women.

To be clear, this bill will not require insurers to cover new types of procedures that are not already covered, such as collection and processing of semen, cryopreservation of eggs, semen or embryos, genetic testing of embryos, etc. Insurers will not have to cover the costs of donor eggs or semen. And insurers will still only be required to provide a one-time benefit consistent with the existing mandate.

In addition, while the bill requires insurers to coverage IVF procedures involving egg donors and surrogates, the amended bill also makes it clear that the mandate is only about IVF procedures, and that it does not require insurers to cover other pregnancy-related benefits or post-in vitro outpatient services.

Simply put, S.B. 502 S.D. is about equality and economic justice. It is important to a number of couples in the LGBT community who are now legally married and interested in having children. This bill will establish a clear public policy that their families are to be valued and supported in the same manner as families of opposite sex couples. We urge you to support this bill and pass it out of committee.

Thank you for the opportunity to testify on this bill.

Sincerely,

Nick Kacprowski , Co-President
Kaliko'onalani Fernandes, Co-President
Hawai'i LGBT Legal Association



Thursday, February 23, 2017 at 1:35 PM
Conference Room 211

healthy
mothers
healthy
babies

COALITION
OF HAWAII

To: The Honorable Jill N. Tokuda, Chair
The Honorable Donovan M. Dela Cruz, Vice Chair
Members of the Senate Committee on Ways and Means

From: Lisa Kimura, Executive Director, Healthy Mothers Healthy Babies of Hawaii

Re: **Testimony in Strong Support of S.B. 502 S.D.1**

Good morning members of the Senate Committee on Ways and Means,

Healthy Mothers Healthy Babies Coalition of Hawaii (HMHB) is writing in strong support of S.B. 502 S.D.1, which would remove discriminatory requirements for mandatory insurance coverage of in vitro fertilization (IVF) procedures to create parity of coverage for same-sex couples, unmarried women, and male-female couples for whom male infertility is the relevant factor.

Current Hawaii law requires insurance providers to cover expenses relating to IVF procedures for heterosexual married couples only, leaving unmarried women and LGBT couples at a significant disadvantage when planning their families.

IVF can cost upward of \$20,000 per cycle. While opposite-sex married couples are guaranteed a process to alleviate the majority of the procedure's cost, same-sex married couples and unmarried women may be forced to shoulder the financial burden alone. Although some health insurance plans in Hawaii may cover same-sex female couples and unmarried women, this is not guaranteed by law and many couples and individuals are unaware they are not covered until they are already planning for their family. No insurance plans currently cover male couples who can only conceive using IVF along with the services of a surrogate.

S.B. 502 S.D.1 remedies this unfair — and potentially unlawful — discrimination by requiring IVF coverage on an equal basis without regard to sex, sexual orientation, or marital status. We hope to pass S.B. 502 S.D.1, to **eliminate discrimination in health insurance coverage for IVF** on the basis of sex, sexual orientation, and marital status.

Thank you for supporting **S.B. 502 S.D.1** and for the opportunity to submit testimony.



February 22, 2017

Senator Jill N. Tokuda, Chair
Senate Committee on Ways and Means

**Re: S.B. 502, SD1 Relating to In Vitro Fertilization Insurance Coverage
February 23, 2017, 1:35 pm, Room 211 (Decision Making)**

Dear Chair Tokuda and Members of the Committee on Ways and Means:

Hawaii Women Lawyers submits testimony in **support** of S.B. 502, SD1 which removes discriminatory requirements for mandatory insurance coverage of in vitro fertilization procedures to create parity of coverage for same-sex couples, unmarried women, and male-female couples for whom male infertility is the relevant factor.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

Hawaii Women Lawyers supports this measure because it eliminates a discriminatory exclusion that bars access to insurance coverage for in vitro fertilization procedures for same sex couples and unmarried women that wish to start a family. S.B. 502, SD1 ensures that a one-time IVF procedure benefit will extend to all families regardless of marital status, gender or sexual orientation, and without regard to their use of an egg donor or surrogate. This is an important benefit to many people, because IVF services are very expensive and can burden families in a significant way. This bill provides equal coverage for same sex couples and unmarried women, and is important to bringing parity and fair treatment in reproductive health policy.

For these reasons, we support S.B. 501, SD1, as amended, and respectfully request that the Committee pass this measure. Thank you for the opportunity to submit testimony.



Committees: Committee on Ways and Means
Hearing Date/Time: Thursday, February 23, 2017, 1:35 p.m.
Place: Conference Room 211
Re: *Testimony of the ACLU of Hawaii in **Strong Support** of S.B. 502, S.D. 1, Relating to In Vitro Fertilization Insurance Coverage*

Dear Chair Tokuda, Vice Chair Dela Cruz, and Committee Members:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) strongly supports S.B. 502, S.D. 1, which eliminates discriminatory provisions in current state law by requiring the equal coverage of in vitro fertilization (“IVF”) without regard to sex, sexual orientation, or marital status.

Current Hawaii law discriminates against LGBTQ couples and unmarried women

Hawaii’s current law requires health insurance providers to cover one round of IVF only when “the patient’s oocytes are fertilized with the patient’s spouse’s sperm.” While perhaps unintentional, this language necessarily excludes same-sex couples and unmarried women who wish to start a family. S.B. 502, S.D. 1 remedies this by removing language in the statute requiring the patient to be married, adding language clarifying that same-sex married couples qualify for coverage, and adding language clarifying that IVF procedures using donor materials and surrogates will be covered.

Denying health insurance coverage for IVF creates an unfair financial burden

IVF can cost upward of \$20,000 per cycle. While opposite-sex married couples are guaranteed a process to alleviate the majority of the procedure’s cost, same-sex married couples and unmarried women may be forced to shoulder the financial burden alone. Although some health insurance plans in Hawaii may cover same-sex female couples and unmarried women, this is not guaranteed by law and many couples and individuals are unaware they are not covered until they are already planning for their family. No insurance plans currently cover male couples who can only conceive using IVF along with the services of a surrogate.

S.B. 502, S.D. 1 is in line with state policy

State law prohibits discrimination on the basis of sexual orientation and gender identity in the areas of housing, employment, education, and public accommodations. This measure would be consistent with existing public policy, as well as recommendations made by the medical

community regarding equal access to reproductive services for LGBTQ couples.¹ Finally, this measure does not require health insurance providers to cover any procedures that are not already covered. It merely strengthens current law to provide equal access to reproductive services and better reflect Hawaii's core value of equality.

For these reasons, the ACLU urges the Committees to support S.B. 502, S.D.1.

Thank you for this opportunity to testify.



Mandy Finlay
Advocacy Coordinator
ACLU of Hawaii

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.

¹ The Ethics Committee of the American Society for Reproductive Medicine, *Access to fertility treatment by gays, lesbians, and unmarried persons: a committee opinion*, (published 2013) available at: https://www.asrm.org/uploadedFiles/ASRM_Content/News_and_Publications/Ethics_Committee_Reports_and_Statements/fertility_gaylesunmarried.pdf.



Hawaii Women's Coalition

COMMITTEE ON WAYS AND MEANS

Senator Jill N. Tokuda, Chair

Senator Donovan M. Dela Cruz, Vice Chair

DATE: Thursday, February 23, 2017

TIME: 1:35 PM

PLACE: Conference Room 211

STRONG SUPPORT FOR SB502

Aloha Chair Tokuda and Vice Chair Dela Cruz, Members of the Committee,

The Coalition is in strong support of this bill that seeks to amend Hawaii's IVF law to eliminate sex, sexual orientation, and marital status discrimination in insurance coverage.

Hawaii's insurance companies fail to cover this benefit for any except married women with opposite sex husbands. For many individuals and couples, IVF is their only hope when it comes to having children. Unfortunately, the procedure can be extremely expensive — up to \$20,000 per cycle.

With modern IVF technology available to loving people who want to be parents but otherwise could not, it is unjust to allow this discriminatory practice to continue. Modern families require modern insurance coverage and deserve nothing less. Please pass this important bill out of committee.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai'i Women's Coalition

Contact: annsfreed@gmail.com Phone: 808-623-5676



February 23, 2017
1:35 p.m. Agenda
Room 211

To: **Committee on Ways and Means**
The Honorable Jill N. Tokuda, Chair
The Honorable Donovan M. Dela Cruz, Vice Chair

From: Beth Giesting, Hawai'i Association of Health Plans

Re: Concerns about SB 502, SD1, RELATING TO IN VITRO FERTILIZATION INSURANCE COVERAGE

The Hawai'i Association of Health Plans (HAHP) thanks you for the opportunity to share concerns about Senate Bill 502, which would expand eligibility for covered *in vitro* fertilization services.

HAHP stands firmly with the Legislature in rejecting discrimination based on gender or sexual orientation. Our concerns are as follows:

- While health plans currently cover *in vitro* fertilization and pregnancy benefits for their members, covering services that have so many long-term health, legal, and cost implications for a surrogate – a third-party - who is not otherwise a beneficiary is problematic.
- Reducing the waiting time from five years to 12 months could encourage a couple to bypass stepped services that are often effective as well as being less risky, invasive, and expensive. Expert opinion should be surveyed to help law-makers and plans arrive at the optimal waiting time.
- The demand and related costs for expanded services as described in this bill are unknown. Insurers would have to assess the impact and build the added costs into employer premiums, which would be done gingerly as we seek to balance essential benefits with the burden to employers.

We appreciate the intent of this bill and look forward to working with lawmakers to ensure that Hawai'i residents continue to have the health benefits they need and that coverage for them is affordable.

LATE

TO: COMMITTEE ON WAYS & MEANS
Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair

From: Tambry R. Young – Tambry.young@gmail.com

RE: SENATE BILL 502, S.D. 1: RELATING TO IN VITRO FERTILIZATION INSURANCE COVERAGE.

Dear Chair Tokuda, Vice Chair Dela Cruz, and members of the Committee:

I write in strong support of **S.B. 502, S.D. 1**, which seeks to eliminate discrimination in health insurance coverage for in vitro fertilization (IVF) based on sex, sexual orientation, and marital status.

In 1996 my life partner then, and now my wife, Suzanne Young and I decided to start a family. After more than 15 years of being life partners, we decided that Suzanne would be the biological parent. At that time, Suzanne and I each had medical coverage through our employers and we had been with the same insurance carrier for many years.

When we started the process, and as we do in most things, we began to research our options. Through our medical plan, Suzanne went in for a physical and we discussed with our doctor our decision to have a child. We had basically two options. First, was the traditional way of finding a male to naturally impregnate Suzanne. For us this option was unacceptable. The second option was Artificial Insemination (AI) with a donor sperm.

Our doctor explained to us that AI was not covered by our medical plan unless we were married and had difficulty conceiving naturally. Also, if we decided to do AI we would need to find a private doctor not covered through our carrier to do the procedure. Luckily, we were able to find a physician that was capable and supportive of our decision. Suzanne's first insemination was in May of 1996. All costs for the procedure were paid for by us with no insurance reimbursement. After 21 inseminations and 2 laparoscopies, our last option was to try a partial IVF procedure and which required seeking another fertility doctor to handle that procedure.

At that time, this procedure entailed 10 days of hormonal shots for Suzanne which I administered at home. The doctor explained that the goal was to generate not more than 8 viable eggs for AI. Again, all costs for this procedure was paid solely by us. Unfortunately, this procedure produced only one viable egg for us to try an AI procedure. We had the AI procedure and again Suzanne was unable to conceive. At that point the doctor advised us that we could try to have a full IVF procedure which would cost a minimum of ten thousand dollars. Since we were not married, we were not eligible for the 1 covered procedure under our medical plan that other married couples are allowed when they are faced with the same situation.

Regardless of the cost, Suzanne and I never hesitated to do everything within our power to enter into the next stage of our lives by having a child together and giving her a loving and caring life. So, after 3 years of Suzanne trying to get pregnant with no success, we decided that I would try to have the baby. After 4 AI's, luckily I was able to conceive. That was 17 years ago, and much has changed both medically and socially.

In our situation, we consciously made a decision to start a family and through that process we, like many other couples, were faced with a medical issue that caused us to take on a financial responsibility that for other couples with the same medical situation would not have to be burdened with, simply because they were married. When folks make a decision to start a family they do it with great expectations and careful thought.

When a situation arises that requires the IFV procedures, that couple or individual has had to endure many tests, procedures and costs before being given the IVF option. Deciding on that procedure does not come easy for a woman – it is painful, physically demanding, alters your hormonal balance, puts you at risk of cancer and is mentally draining. Having this procedure covered by your medical provider for women takes away one less worry when making a life changing decision.

Again, I am testifying in strong support of **SENATE BILL 502, S.D. 1: RELATING TO IN VITRO FERTILIZATION INSURANCE COVERAGE.**

Thank you for the opportunity to testify and if you have any questions please feel free to contact me.

Mahalo,

Tambry R. Young



February 21, 2017

Dear Senators and Committee Members:

This letter is in **SUPPORT of SB 502.**

We live in a more tolerant and inclusive world. As such our legislation should conform to today's world. Everyone should have equal access to fertility services.

Fertility treatments are no longer experimental or taboo. Fertility treatments are no longer kept secret from friends and family. These treatments are the Standard of Care for treating fertility issues. Over 7- million babies have been conceived using In Vitro Fertilization and many many many more millions of babies have been born using other fertility treatments.

Not everyone has success with infertility treatments but for those who are successful –This is truly a gift of life! Thanks to infertility treatment I am a proud parent of 2 boys and 1 girl. My wife and I underwent multiple infertility treatment cycles prior to doing In Vitro Fertilization (IVF). Our first two IVF cycles were unsuccessful and it was not until the third cycle that we had success. We were lucky! Not only because we were successful but because we had the ability to continue to attempt treatments until we were able to conceive. Every day I look at my children and I am thankful to all of those healthcare providers who helped make our dreams come true.

Having a child and building a family is a fundamental desire and right for all people regardless of relationship status, gender, or sexual orientation. As an infertility provider, I see myself in my patients. I understand their hopes and dreams. I understand their despair when not successful. Through my many years of training and practicing, I also understand that many of my patients would achieve their dream of having family if they were allowed to have treatment.

I fully and enthusiastically support HB 502 to remove discriminatory requirements and create parity for ALL patients seeking fertility services. Without it, many of our friends and families will not be able to experience the privilege of having a family –a privilege that many take for granted.

Sincerely and Mahalo,

John L. Frattarelli, M.D., HCLD
Reproductive Endocrinology and Infertility
Advanced Reproductive Medicine & Gynecology of Hawaii, Inc.
&
Fertility Institute of Hawaii
1401 South Beretania Street, Ste 250, Honolulu HI 96814
www.IVFCenterHawaii.com

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2017 4:45 PM
To: WAM Testimony
Cc: joyamarshall0416@gmail.com
Subject: *Submitted testimony for SB502 on Feb 23, 2017 13:35PM*

SB502

Submitted on: 2/21/2017

Testimony for WAM on Feb 23, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2017 4:59 PM
To: WAM Testimony
Cc: ashley.decoligny@gmail.com
Subject: Submitted testimony for SB502 on Feb 23, 2017 13:35PM

SB502

Submitted on: 2/21/2017

Testimony for WAM on Feb 23, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Ashley de Coligny	Individual	Support	No

Comments: Dear Chair Tokuda, Vice Chair Dela Cruz, and members of the Committee: I write in strong support of S.B. 502, S.D. 1, which seeks to eliminate discrimination in health insurance coverage for in vitro fertilization (IVF) on the basis of sex, sexual orientation, and marital status. For many individuals and couples, IVF is their only hope when it comes to having children. Unfortunately, the procedure can be extremely expensive — up to \$20,000 per cycle. Current Hawai'i law requires insurance providers to cover expenses relating to IVF procedures for heterosexual married couples only, leaving unmarried women and LGBT couples at a significant disadvantage when planning their families. S.B. 502, S.D. 1 remedies this unfair — and potentially unlawful — discrimination by requiring IVF coverage on an equal basis without regard to sex, sexual orientation, or marital status. I support S.B. 502, S.D. 1, and respectfully ask that the Committee approve this measure.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2017 5:25 PM
To: WAM Testimony
Cc: kaulanad@gmail.com
Subject: Submitted testimony for SB502 on Feb 23, 2017 13:35PM

SB502

Submitted on: 2/21/2017

Testimony for WAM on Feb 23, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Kaulana Dameg	Individual	Support	No

Comments: Dear Chair Tokuda, Vice Chair Dela Cruz, and members of the Committee: I write in strong support of S.B. 502, S.D. 1, which seeks to eliminate discrimination in health insurance coverage for in vitro fertilization (IVF) on the basis of sex, sexual orientation, and marital status. For many individuals and couples, IVF is their only hope when it comes to having children. Unfortunately, the procedure can be extremely expensive — up to \$20,000 per cycle. Current Hawai'i law requires insurance providers to cover expenses relating to IVF procedures for heterosexual married couples only, leaving unmarried women and LGBT couples at a significant disadvantage when planning their families. S.B. 502, S.D. 1 remedies this unfair — and potentially unlawful — discrimination by requiring IVF coverage on an equal basis without regard to sex, sexual orientation, or marital status. I support S.B. 502, S.D. 1, and respectfully ask that the Committee approve this measure.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2017 7:13 PM
To: WAM Testimony
Cc: j.bobich@tcu.edu
Subject: *Submitted testimony for SB502 on Feb 23, 2017 13:35PM*

SB502

Submitted on: 2/21/2017

Testimony for WAM on Feb 23, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph A. Bobich	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 2:42 PM
To: WAM Testimony
Cc: scott.t.nishimoto@gmail.com
Subject: Submitted testimony for SB502 on Feb 23, 2017 13:35PM

SB502

Submitted on: 2/22/2017

Testimony for WAM on Feb 23, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Nishimoto	Individual	Support	No

Comments: Dear Chair Tokuda, Vice Chair Dela Cruz, and members of the Committee: I write in strong support of S.B. 502, S.D. 1, which seeks to eliminate discrimination in health insurance coverage for in vitro fertilization (IVF) on the basis of sex, sexual orientation, and marital status. My wife and I have been going through fertility treatments for the past year due to a condition called polycystic ovarian syndrome (PCOS). The process has been physically taxing (for her) and emotionally taxing (for the both of us), to say the least. Financially, we put many dreams on hold as we racked up over \$15,000 in medical bills, possibly more if our efforts are unsuccessful. While we both make respectable salaries -- I'm a VP for a local non-profit, my wife is a manager at a local department store -- I still took an extra job as an uber driver to help with the bills. We are incredibly thankful that we can afford such an expense, as we understand that most couples do not have this privilege. But we also understand that we can only afford it because of an additional privilege -- the privilege to be insured. We estimate that without insurance, our fertility treatments would have cost north of \$40,000 over the past year, and this would have simply been impossible for us. It's a shame that many of my gay friends will not be able to afford to start a family via IVF. It is a grave injustice that my wife and I can start a family, yet my gay friends -- who are just as loving and have just as much promise to be amazing parents -- cannot due to the law. Thank you for your consideration, Scott Nishimoto

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 1:15 PM
To: WAM Testimony
Cc: hiabbybrown@gmail.com
Subject: Submitted testimony for SB502 on Feb 23, 2017 13:35PM

SB502

Submitted on: 2/22/2017

Testimony for WAM on Feb 23, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
AbigailAu	Individual	Support	No

Comments: Aloha Senators of the WAM committee. I support SB502 relating to IVF coverage. This bill eliminates discrimination against homosexual couples and unmarried women. This bill also supports the best medical practice of allowing insurance coverage of IVF as early as possible. The current law requiring a 5 year wait after a diagnosis of infertility ignores the medical reality of reduced effectiveness of IVF with advanced maternal age. Mahalo for your support, Abigail Au 82-6065 Mamalahoa Hwy. Captain Cook, HI 96704

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Individual Testimony of Nicholas J. Lockwood
5th Grade, Punahou School
Re: SB 502, SD1
Relating to In Vitro Fertilization Insurance Coverage
Thursday, February 23, 2017, 1:35 p.m.
Conference Room 211, State Capitol

Madam Chairwoman, and members of the Committee:

My name is Nicholas Lockwood. I am 11 years old, and I am in the fifth grade at Punahou School. This is my fourth time submitting testimony to the Legislature: I submitted testimony and spoke in favor of a similar bill, SB 768 at the House Committee on Finance on April 8, 2015, when I was 9 years old. I was very disappointed to learn that bill had not become law. I was even more disappointed to learn that my district's representative was the only member of the Committee to vote against it. I asked my mother to e-mail him to ask why, but he never responded. I confess, when we saw him waving at the side of the road last Fall, I did not wave back. I also submitted testimony and testified in person in favor of HB 664 on February 2, 2017, and submitted testimony in favor of SB 502 on February 2, 2017 (although I was unable to attend the February 3 hearing). That's because this issue is very personal to me. It's about my family.

Like the other times I testified, I know you will hear a lot from your fellow adults about the legal side of SB 502. I want to talk to you about something even more important: the families affected by the bill. Families like mine.

My mom is a single mother. (She says "Mr. Right" apparently missed his bus.) But she wanted to be a mother more than anything. She was lucky, because she was able to have me and my 8-year old brother through donor insemination. If she had not been so lucky, neither of us would be here, because IVF was too expensive and was not covered by her insurance. I know some people aren't sympathetic because they don't think single women should have children. I know that some of those

same people don't think same-sex couples should have children. They would tell you not to help any of them. I disagree.

I want to tell you what I have learned about families: I have friends with all different types of families. Some have two parents; some have only one. Some have parents with different genders; some have same-sex parents. Some of the parents are married; some aren't. Some live far apart – sometimes one is even on the mainland. And some friends are not even being raised by their parents, but by their grandparents, aunties or uncles. And what I've learned is this: It's not how many parents you have, or their genders, or if they're married to each other that matters. What matters is how they love and support you. I have all the love and support from my single mom and my extended family than I could ever wish for – more, even, than some of my friends probably get from their two, married, parents.

The main thing my friends' families have in common, is that they're all unique, they're not bound by stereotypes, and they're all filled with love. And I know from growing up in Hawaii, that this is our tradition: 'ohana are formed in many different ways with many different combinations of people, but we value and validate them equally. So I believe the only right decision on SB 502 is one that supports all 'ohana. As I can attest, any parent willing to work so hard to have children, will make sure they're nurtured, supported and surrounded by love.

Thank you for your time.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2017 10:28 PM
To: WAM Testimony
Cc: kale489@yahoo.com
Subject: Submitted testimony for SB502 on Feb 23, 2017 13:35PM

SB502

Submitted on: 2/21/2017

Testimony for WAM on Feb 23, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Kale Taylor	Individual	Support	No

Comments: Dear Chair Tokuda, Vice Chair Dela Cruz, and members of the Committee: I write in strong support of S.B. 502, S.D. 1, which seeks to eliminate discrimination in health insurance coverage for in vitro fertilization (IVF) on the basis of sex, sexual orientation, and marital status. For many individuals and couples, IVF is their only hope when it comes to having children. Unfortunately, the procedure can be extremely expensive — up to \$20,000 per cycle. Current Hawai'i law requires insurance providers to cover expenses relating to IVF procedures for heterosexual married couples only, leaving unmarried women and LGBT couples at a significant disadvantage when planning their families. S.B. 502, S.D. 1 remedies this unfair — and potentially unlawful — discrimination by requiring IVF coverage on an equal basis without regard to sex, sexual orientation, or marital status. I support S.B. 502, S.D. 1, and respectfully ask that the Committee approve this measure.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2017 11:18 PM
To: WAM Testimony
Cc: kimcoco@kimcoco.com
Subject: Submitted testimony for SB502 on Feb 23, 2017 13:35PM

SB502

Submitted on: 2/21/2017

Testimony for WAM on Feb 23, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Coco Iwamoto	Individual	Support	No

Comments: I write in STRONG SUPPORT of S.B. 502, S.D. 1, which seeks to eliminate discrimination in health insurance coverage for in vitro fertilization (IVF) on the basis of sex, sexual orientation, and marital status. Thank you for correcting the current Hawaii Revised Statutes to more consistent with our state's non-discrimination laws as they cover employment (when health insurance is an employment benefit) and public accommodations (when health insurance is sold and purchased in the stream of commerce.)

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 11:30 AM
To: WAM Testimony
Cc: carrmaria@hotmail.com
Subject: Submitted testimony for SB502 on Feb 23, 2017 13:35PM

SB502

Submitted on: 2/22/2017

Testimony for WAM on Feb 23, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Maria Pena	Individual	Support	No

Comments: Dear Chair Tokuda, Vice Chair Dela Cruz, and members of the Committee: I write in strong support of S.B. 502, S.D. 1, which seeks to eliminate discrimination in health insurance coverage for in vitro fertilization (IVF) on the basis of sex, sexual orientation, and marital status. For many individuals and couples, IVF is their only hope when it comes to having children. Unfortunately, the procedure can be extremely expensive — up to \$20,000 per cycle. Current Hawai'i law requires insurance providers to cover expenses relating to IVF procedures for heterosexual married couples only, leaving unmarried women and LGBT couples at a significant disadvantage when planning their families. S.B. 502, S.D. 1 remedies this unfair — and potentially unlawful — discrimination by requiring IVF coverage on an equal basis without regard to sex, sexual orientation, or marital status. I support S.B. 502, S.D. 1, and respectfully ask that the Committee approve this measure.

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 23, 2017 9:12 AM
To: WAM Testimony
Cc: barbarageorge40@yahoo.com
Subject: Submitted testimony for SB502 on Feb 23, 2017 13:35PM

SB502

Submitted on: 2/23/2017

Testimony for WAM on Feb 23, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara L. George	Individual	Support	No

Comments: SUPPORT!

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