

STAND. COM. REP. NO. 2047

Honolulu, Hawaii

FEB 05 2016

RE: S.B. No. 2666
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 2666 entitled:

"A BILL FOR AN ACT RELATING TO INSURANCE,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit health insurers, mutual benefit societies, and health maintenance organizations from discriminating against a person with respect to participation and coverage under a policy, contract, plan, or agreement on the basis of the person's actual gender identity or perceived gender identity.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Equality Hawai'i, American Civil Liberties Union of Hawai'i, LGBT Caucus of the Democratic Party of Hawai'i, Planned Parenthood Votes Northwest and Hawaii, Hawaii Medical Service Association, and sixteen individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that many health insurance plans and policies include some form of transgender-specific exclusions. As a result, transgender individuals are excluded from health care coverage based on actual gender identity or perceived gender identity, rather than because of lack of medical necessity of treatment. Your Committee further finds that transgender individuals who are prevented from obtaining health care to aid in transition face high rates of suicide. Furthermore, while



discriminatory exclusions in health insurance policies can impact transition-related services, these exclusions may also prevent transgender individuals from obtaining common wellness care treatment. The consequences of discrimination against the transgender community can have profound effects on the health care system as a whole, including increased emergency room visits, hospital admissions, and long term care needs that result from delayed or denied treatment for transgender individuals.

Your Committee additionally finds that ten jurisdictions, including the District of Columbia, have laws and policies protecting against discriminatory exclusions and denials of treatment based on gender identity, in at least some circumstances. The federal government is also currently acting to address the issue of discriminatory exclusions in health insurance plans. The amendments proposed by this measure will therefore enable Hawaii to follow this important national trend by prohibiting discrimination in health care coverage, services, and treatment on the basis of actual gender identity or perceived gender identity.

Your Committee has amended this measure by:

- (1) Clarifying the definition of "gender transition";
- (2) Specifying that the non-discrimination provisions proposed by this measure shall apply to all health benefits plans under chapter 87A, Hawaii Revised Statutes; and
- (3) 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 Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2666, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2666, S.D. 1, and be referred to your Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,

Rosalyn H. Baker

ROSALYN H. BAKER, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:* SB 2666	Committee Referral: CPH, JDL	Date: 2-3-16		
<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-between; 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
BAKER, Rosalyn H. (C)	/			
KIDANI, Michelle N. (VC)	/			
ESPERO, Will	/			
IHARA, Jr., Les	/			
NISHIHARA, Clarence K.	/			
RUDERMAN, Russell E.	/			
SLOM, Sam			/	
TOTAL	6		1	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: x-small;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

*Only one measure per Record of Votes