

STAND. COM. REP. NO.

**387**

Honolulu, Hawaii

**FEB 16 2017**

RE: S.B. No. 502  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Judiciary and Labor, to which was referred S.B. No. 502 entitled:

"A BILL FOR AN ACT RELATING TO IN VITRO FERTILIZATION INSURANCE COVERAGE,"

beg leave to report as follows:

The purpose and intent of this measure is to remove discriminatory requirements for mandatory insurance coverage of in vitro fertilization procedures and create parity of coverage for same-sex couples, unmarried women, and male-female couples for whom male infertility is the relevant factor.

Your Committees received testimony in support of this measure from the Hawaii State Commission on the Status of Women; Democratic Party of Hawai'i; LGBT Caucus of the Democratic Party of Hawai'i; American Civil Liberties Union of Hawai'i; Planned Parenthood Votes Northwest and Hawaii; Hawaii Women's Coalition; Hawai'i LGBT Legal Association; Advanced Reproductive Medicine & Gynecology of Hawaii, Inc.; American Society for Reproductive Medicine; Society for Assisted Reproductive Technology; Young Progressives Demanding Action; and twenty-two individuals. Your Committees received testimony in opposition to this measure from Kaiser Permanente Hawaii. Your Committees received comments on this measure from the Department of Human Services, Hawaii Medical Service Association, and Hawai'i Association of Health Plans.



Your Committees find that under existing law, insurance plans in Hawaii are required to cover a one-time benefit for costs associated with in vitro fertilization procedures, but only if a patient's oocytes are fertilized with the patient's spouse's sperm. As currently written, this mandate discriminates against and essentially restricts a person's access to in vitro fertilization insurance coverage based on that person's gender, sexual orientation, or marital status. Although likely unintentional when enacted, the effect of the mandate also unfairly burdens same sex couples and unmarried women, who may pay up to \$20,000 out of pocket for one in vitro fertilization cycle.

Your Committees further find that this measure removes the discriminatory requirements for mandatory insurance coverage of in vitro fertilization procedures and creates parity of coverage for same-sex couples, unmarried women, and male-female couples for whom male infertility is the relevant factor. Your Committees note that this measure is not intended to expand the in vitro fertilization mandate. Rather, the same types of procedures that are already covered for opposite sex couples, i.e. egg retrieval, fertilization, and embryo transfer, will now be extended to ensure equal access and coverage for same sex couples, single people, and certain male-female couples who wish to start or grow their families.

Your Committees have amended this measure by:

- (1) Clarifying that in vitro fertilization benefits shall be gender neutral, meaning any benefit available for a married couple of the opposite sex shall also be available for same-sex couples and for women regardless of their marital status;
- (2) Clarifying that the covered in vitro fertilization benefit applies to an insured individual and the insured's dependent spouse, as appropriate;
- (3) Specifying that covered benefits are covered expenses directly related to in vitro fertilization services, and do not include other pregnancy-related or other post-in vitro fertilization outpatient services;
- (4) Clarifying that this measure does not apply to the Medicaid program, as Medicaid does not cover any infertility services, including in vitro fertilization;



- (5) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 502, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 502, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Commerce,  
Consumer Protection, and Health  
and Judiciary and Labor,

  
GILBERT S.C. KEITH-AGARAN, Chair

  
ROSALYN H. BAKER, Chair



The Senate  
Twenty-Ninth Legislature  
State of Hawai'i


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

Bill / Resolution No.:* <b>SB502</b>	Committee Referral: <b>CPH / JDL, WAM</b>	Date: <b>2/3/17</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
NISHIHARA, Clarence K. (VC)	/			
CHANG, Stanley	/			
ESPERO, Will	/			
IHARA, Jr., Les	/			
KIDANI, Michelle N.				/
RUDERMAN, Russell E.				/
<b>TOTAL</b>	<b>5</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">           Clarence K. Nishihara         </div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 502	CPH/JDL, WAM	2/3/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
<b>TOTAL</b>	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

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