

STAND. COM. REP. NO.

1254

Honolulu, Hawaii

MAR 24 , 2021

RE: H.C.R. No. 110  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Legislative Management, to which was referred H.C.R. No. 110 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO UPDATE ITS REPORT NO. 12-09, WHICH ASSESSES THE SOCIAL AND FINANCIAL EFFECTS OF MANDATORY HEALTH INSURANCE COVERAGE FOR FERTILITY PRESERVATION PROCEDURES FOR PERSONS OF REPRODUCTIVE AGE WHO HAVE BEEN DIAGNOSED WITH CANCER,"

begs leave to report as follows:

The purpose of this measure is to request the Auditor to update its Report No. 12-09, which assesses the social and financial effects of mandatory health insurance coverage for fertility preservation procedures for persons of reproductive age who have been diagnosed with cancer.

Your Committee received testimony in support of this measure from the Hawaii Society of Clinical Oncology, Association for Clinical Oncology, and Alliance for Fertility Preservation. Your Committee received testimony in opposition to this measure from the Hawaii Medical Service Association. Your Committee received comments on this measure from the Office of the Auditor.

Your Committee finds that certain cancers and cancer treatment procedures may affect a person's fertility by damaging their reproductive organs. Although fertility may be preserved

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through preservation procedures, the high cost of these procedures and the narrow window to obtain services means these procedures are unattainable for many people. Your Committee further finds that in 2012, the Legislature requested the Auditor to conduct a study to assess the social and financial impacts of mandating insurance coverage for fertility preservation procedures for persons of reproductive age who have been diagnosed with cancer and will be undergoing treatment that might adversely affect their fertility. However, because of insufficient data at the time, the Auditor was unable to assess the social and financial impacts of the proposed mandated coverage.

Your Committee believes that an update to Report No. 12-09 is necessary to properly assess the cost and viability of offering mandatory fertility preservation coverage, as such coverage may increase overall healthcare insurance costs for the entire pool of insured persons. Your Committee notes that since 2012, ten states have enacted fertility preservation coverage, and the experience in those ten other states will allow the Auditor to evaluate additional experiential data and assess actual financial impacts. Your Committee notes the Auditor's assertion that a sunrise analysis pursuant to section 23-52, Hawaii Revised Statutes, is needed to determine the social and financial impacts of the potential added coverage.

Your Committee has amended this measure by:

- (1) Clarifying that the proposed mandatory coverage would be for patients who have been diagnosed with cancer, are of reproductive age, and will be undergoing treatment that, based on a medical determination by their physicians, will most likely cause infertility;
- (2) Changing its title to read: "REQUESTING THE AUDITOR TO UPDATE ITS REPORT NO. 12-09, WHICH ASSESSES THE SOCIAL AND FINANCIAL EFFECTS OF MANDATORY HEALTH INSURANCE COVERAGE FOR FERTILITY PRESERVATION PROCEDURES FOR PERSONS OF REPRODUCTIVE AGE WHO HAVE BEEN DIAGNOSED WITH CANCER AND WILL UNDERGO TREATMENT THAT, BASED ON A MEDICAL DETERMINATION BY THE PERSON'S PHYSICIAN, WILL MOST LIKELY CAUSE INFERTILITY."; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



Should your Committee on Consumer Protection & Commerce choose to consider this measure, your Committee respectfully requests that the Committee consider whether coverage of fertility preservation procedures relates to a person's Constitutional rights, including but not limited to the fundamental right to life. Your Committee notes the ethical concerns about equitable access raised in the written testimony of the Alliance for Fertility Preservation and that because of the high cost of these procedures, only patients with sufficient financial means can access these procedures.

As affirmed by the record of votes of the members of your Committee on Legislative Management that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 110, as amended herein, and recommends that it be referred to your Committee on Consumer Protection & Commerce in the form attached hereto as H.C.R. No. 110, H.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Legislative  
Management,



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DALE T. KOBAYASHI, Chair



