
SENATE RESOLUTION

REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL
EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE
FOR HEALTH CARE SERVICES RELATED TO GENDER TRANSITION
TREATMENTS.

1 WHEREAS, according to the American Medical Association,
2 approximately 1.4 million adults and one hundred fifty thousand
3 youth ages thirteen to seventeen in the United States identify
4 as transgender, meaning those individuals' gender identity
5 and/or expression is different from cultural expectations based
6 on the sex they were assigned at birth, or identify as gender
7 expansive, meaning they identify with neither a traditional
8 binary gender role nor a single gender narrative or experience;
9 and

10
11 WHEREAS, many but not all transgender people experience
12 gender dysphoria, a medical condition defined by the American
13 Medical Association as a "conflict between a person's physical
14 or assigned gender and the gender with which he/she/they
15 identify"; and

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17 WHEREAS, standards of care and accepted medically necessary
18 services that affirm gender or treat gender dysphoria may
19 include but are not limited to mental health counseling, non-
20 medical social transition, gender-affirming hormone therapy, and
21 gender-affirming surgeries; and

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23 WHEREAS, every major medical association in the United
24 States recognizes the medical necessity of transition-related
25 care for improving the physical and mental health of transgender
26 people and has called for health insurance coverage for
27 treatment of gender dysphoria; and

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29 WHEREAS, as a population, transgender individuals are
30 frequently subject to bias and discrimination in many aspects of
31 their lives, including the provision of health care; and
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1 WHEREAS, the transgender population is less likely to be
2 insured than the lesbian, gay, and bisexual (LGB) and general
3 populations and often faces challenges in accessing needed
4 health care services; and
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6 WHEREAS, a 2016 report by the National Center for
7 Transgender Equality found that:
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- 9 (1) Twenty-five percent of surveyed respondents
10 experienced a problem with their insurance in the past
11 year related to being transgender, such as being
12 denied coverage for care related to gender transition;
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- 14 (2) Twenty-five percent of those who sought coverage for
15 hormones in the past year were denied;
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- 17 (3) Fifty-five percent of those who sought coverage for
18 transition-related surgery in the past year were
19 denied;
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- 21 (4) Seventy-eight percent of respondents wanted hormone
22 therapy related to gender transition, but only forty-
23 nine percent had ever received it;
24
- 25 (5) Forty-two percent reported that insurance covered only
26 some of the surgical care needed for transition; and
27
- 28 (6) Twenty-one percent reported that insurance covered
29 transition-related surgery, but had no in-network
30 providers; and
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32 WHEREAS, according to the American Medical Association,
33 transgender individuals in the United States are three times
34 more likely than the general population to report or be
35 diagnosed with mental health disorders, with as many as 41.5
36 percent reporting at least one diagnosis of a mental health or
37 substance abuse disorder; and
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39 WHEREAS, the increased prevalence of these mental health
40 conditions is widely thought to be a consequence of minority
41 stress, which is the chronic stress from coping with societal



1 stigma and discrimination because of one's gender identity and
2 expression; and

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4 WHEREAS, gender-based discrimination affecting access to
5 services is a strong predictor of suicide risk among transgender
6 persons; and

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8 WHEREAS, lack of access to gender-affirming care may
9 directly contribute to poor mental health, and individuals with
10 gender dysphoria who have undergone no gender confirmation
11 treatment are twice as likely to experience moderate to severe
12 depression and four times more likely to experience anxiety than
13 their surgically-affirmed peers; and

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15 WHEREAS, improving access to gender-affirming care is an
16 important means of improving health outcomes for the transgender
17 population; and

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19 WHEREAS, patients who receive gender-affirming care,
20 including surgical care, feel more congruent in their bodies and
21 report improved mental health; and

22
23 WHEREAS, studies suggest that improved body satisfaction
24 and self-esteem following medical and surgical therapies is
25 protective against poorer mental health and also supports
26 healthy relationships with parents and peers; and

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28 WHEREAS, positive health effects from gender-affirming care
29 extend to children and adolescents as well, and recent research
30 demonstrates that integrated affirmative models of care for
31 youths, which include access to medications and surgeries,
32 result in fewer mental health concerns than have been
33 historically seen among transgender populations; and

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35 WHEREAS, this body supports health insurance coverage for
36 specific types of health care treatments and services for gender
37 transition, as medically necessary; and

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39 WHEREAS, section 23-51, Hawaii Revised Statutes, requires
40 that "[b]efore any legislative measure that mandates health
41 insurance coverage for specific health services, specific
42 diseases, or certain providers of health care services as part



1 of individual or group health insurance policies, can be
2 considered, there shall be concurrent resolutions passed
3 requesting the auditor to prepare and submit to the legislature
4 a report that assesses both the social and financial effects of
5 the proposed mandated coverage" and that the concurrent
6 resolutions designate a specific legislative bill that has been
7 introduced identifying certain coverage information; and
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9 WHEREAS, section 23-52, Hawaii Revised Statutes, further
10 specifies minimum information required for assessing the social
11 and financial impact of the proposed health coverage mandate in
12 the Auditor's report; and
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14 WHEREAS, S.B. No. 752 has been introduced during the
15 Regular Session of 2021, which prohibits health insurance
16 companies from denying coverage on the basis of gender identity
17 if the policy covers the same treatment for purposes other than
18 gender transition and requires insurance companies to provide
19 certain information about the coverage of gender transition
20 services, including the process for appealing a claim denied on
21 the basis of medical necessity; and
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23 WHEREAS, S.B. No. 752, requires, in part, that "[a]ll
24 health care services related to gender transition treatments
25 shall be considered medically necessary and not cosmetic"; and
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27 WHEREAS, the Legislature believes that an analysis of the
28 social and financial impacts of the insurance coverage mandated
29 in S.B. No. 752 is warranted; now, therefore,
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31 BE IT RESOLVED by the Senate of the Thirty-first
32 Legislature of the State of Hawaii, Regular Session of 2021,
33 that the Auditor is requested to conduct an assessment, pursuant
34 to sections 23-51 and 23-52, Hawaii Revised Statutes, of the
35 social and financial effects of mandating health insurers to
36 provide certain health care services, as provided in S.B. No.
37 752, Regular Session of 2021; and
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39 BE IT FURTHER RESOLVED that the Auditor is requested to
40 submit a report of its findings and recommendations, including
41 any proposed legislation, to the Legislature, no later than



1 twenty days prior to the convening of the Regular Session of
2 2022; and

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4 BE IT FURTHER RESOLVED that certified copies of this
5 Resolution be transmitted to the Auditor, Director of Health,
6 Director of Commerce and Consumer Affairs, and the Insurance
7 Commissioner, who in turn is requested to transmit copies to
8 each insurer in the State that issues health insurance policies,
9 contracts, plans, or agreements.

