

Honolulu, Hawaii  
, 2022

**APR 29**

RE: H.B. No. 2405  
H.D. 2  
S.D. 2  
C.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2405, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO INSURANCE,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Prohibit the denial of a treatment or service on the basis that it is cosmetic or not medically necessary unless a health care provider with experience in prescribing or delivering gender affirming treatment reviews and confirms the adverse benefit determination;
- (2) Prohibit health insurers, mutual benefit societies, and health maintenance organizations from applying categorical cosmetic or blanket exclusions to gender affirming



treatments or procedures when prescribed as medically necessary; and

- (3) Require health insurers, mutual benefit societies, and health maintenance organizations to provide applicants and insured persons with clear information about the coverage of gender transition services, including the process for appealing a claim denied on the basis of medical necessity.

Your Committee on Conference has amended this measure by:

- (1) Requiring that the medical necessity of any gender affirming treatment to be defined in accordance with applicable law;
- (2) Amending the process for determining an appeal for a claim denied on the basis of medical necessity;
- (3) Clarifying that the prohibition against health insurers, mutual benefit societies, and health maintenance organizations applying categorical or blanket exclusions applies to gender affirming treatments that are determined to be medically necessary pursuant to applicable law;
- (4) Removing smoking cessation therapies as a gender affirming treatment;
- (5) Changing its effective date to upon approval; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2405, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2405, H.D. 2, S.D. 2, C.D. 1.




Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE


  
\_\_\_\_\_  
ROSALYN H. BAKER  
Chair

  
\_\_\_\_\_  
RYAN T. YAMANE  
Co-Chair

  
\_\_\_\_\_  
KARL RHOADS  
Co-Chair

  
\_\_\_\_\_  
AARON LING JOHANSON  
Co-Chair

  
\_\_\_\_\_  
BRIAN T. TANIGUCHI  
Co-Chair

  
\_\_\_\_\_  
ADRIAN K. TAM  
Co-Chair



Hawaii State Legislature

Record of Votes of a  
Conference Committee

CCR 203-22

Bill / Concurrent Resolution No.: <b>HB 2405, HD 2, SD 2</b>	Date/Time: <b>4/29/22</b> <b>2:30pm</b>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input checked="" type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input checked="" type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
BAKER, Rosalyn H., Chr.	/				YAMANE, Ryan I., Co-Chr.	/			
RHOADS, Karl, Co-Chr.	/				JOHANSON, Aaron Ling, Co-Chr.	/			
TANIGUCHI, Brian T., Co-Chr.	/				TAM, Adrian K., Co-Chr.	/			
FEVELLA, Kurt				/	KITAGAWA, Lisa				/
					OKIMOTO, Val	/			
<b>TOTAL</b>	<b>3</b>			<b>1</b>	<b>TOTAL</b>	<b>4</b>			<b>1</b>

A = Aye                      WR = Aye with Reservations                      N = Nay                      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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**Distribution:**

<b>Original</b> File with Conference Committee Report	<b>Yellow</b> House Clerk's Office	<b>Pink</b> Senate Clerk's Office	<b>Goldenrod</b> Drafting Agency
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