

STAND. COM. REP. NO. 3915

Honolulu, Hawaii

APR - 8 2022

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

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

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 2405, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO INSURANCE,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit health insurers, mutual benefit societies, and health maintenance organizations from applying categorical cosmetic or blanket exclusions to gender affirming treatments;
- (2) Prohibit those entities from excluding gender affirming treatments as cosmetic services when prescribed as medically necessary; and
- (3) Require those entities 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 Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs Insurance Division; Hawai'i Civil Rights Commission; Hawaii State Commission



on the Status of Women; Rainbow Family 808, Stonewall Caucus of the Democratic Party of Hawaii; Hawaii Rainbow Chamber of Commerce; Planned Parenthood Alliance Advocates; Northwest Society of Plastic Surgeons; Hawai'i Public Health Institute; AF3IRM Hawaii; First Unitarian Church of Honolulu; Democratic Party of Hawai'i; LGBT Student Services, UH Manoa; YMCA of Honolulu; National Center for Transgender Equality; Transgender Law Center; Lavender Clinic; and thirty-four individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Hawaii Employer-Union Health Benefits Trust Fund, Hawaii Medical Service Association, and Hawaii Association of Health Plans.

Your Committees find that many transgender individuals have experienced discriminatory treatment from health insurance providers when seeking coverage for gender-affirming treatments. Your Committees further find that health insurance policies often cover therapies such as feminizing or masculinizing hormone therapies, voice therapies, chest augmentations or reductions, and genital surgeries for some purposes but deny the same treatments when they are for purposes of gender affirmation. This measure will prohibit health insurance companies from discriminating on the basis of gender identity.

Your Committees have amended this measure by inserting an effective date of November 20, 2075, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2405, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 2405, H.D. 2, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,


DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
HB 2405, HD2, SD1	CPN, JDC/NAM	04-05-22

The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOOLE, Jarrett (VC)	/			
ACASIO, Laura	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
LEE, Chris	/			
FEVELLA, Kurt	/			
TOTAL	7	-	-	-

Recommendation: Adopted 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

*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2405, HD2, SD1	CPN, JDC / WAM	4/5/22		
<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
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.				X
MISALUCHA, Bennette E.	X			
MORIWAKI, Sharon Y.				X
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	9			2
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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