

STAND. COM. REP. NO. 3735

Honolulu, Hawaii

APR 06 2022

RE: S.C.R. No. 241

S.D. 1

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

Sir:

Your Committees on Commerce and Consumer Protection and Health, to which was referred S.C.R. No. 241 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF MANDATORY HEALTH INSURANCE COVERAGE FOR FERTILITY PRESERVATION PROCEDURES FOR CERTAIN PERSONS WHO HAVE BEEN DIAGNOSED WITH CANCER AND WHOSE CANCER OR CANCER TREATMENT MAY ADVERSELY AFFECT THEIR FERTILITY,"

beg leave to report as follows:

The purpose and intent of this measure is to request the Auditor to assess the social and financial effects of mandatory health insurance coverage for fertility preservation procedures for certain persons who have been diagnosed with cancer and whose cancer or cancer treatment may adversely affect their fertility.

Your Committees received testimony in support of this measure from Alliance for Fertility Preservation, Hawaii Society of Clinical Oncology, Association for Clinical Oncology, and Kaiser Permanente Hawaii. Your Committees received comments on this measure from Hawaii Medical Service Association and Hawaii Association of Health Plans.

Your Committees find that hundreds of Hawaii residents are diagnosed with cancer each year while still in their reproductive years (under age forty-five). Despite high survival rates, many



treatments can have permanent effects on patients' reproductive systems and can lead to infertility. Senate Bill No. 3308, introduced in the Regular Session of 2022, would require Hawaii insurance companies to include, as a benefit, fertility preservation procedures for men and women of reproductive age who have been diagnosed with cancer and whose cancer treatment may adversely affect their fertility. Pursuant to the requirements of sections 23-51 and 23-52, Hawaii Revised Statutes, this measure requests the Auditor to prepare and submit a report to the Legislature that assesses both the social and financial effects of the proposed mandated coverage in Senate Bill No. 3308 (2022).

Your Committees have amended this measure by:

- (1) Inserting language requesting the Auditor to include in the impact assessment report a survey of other states in the United States that have implemented a mandate for cryopreservation benefits for those diagnosed with cancer and to examine what the social and financial impact has been in those states;
- (2) Requesting the Auditor to research whether the proposed cryopreservation coverage for those diagnosed with cancer constitutes benefits that are in excess of the essential health benefits, thus requiring the State to defray such costs;
- (3) Requesting the Auditor to research the standard medical definition of "reproductive age" and to examine the success rates for the different age groups to determine coverage benefit limitations, including an examination of whether different standards of infertility treatments are applied to different age groups for those diagnosed with cancer;
- (4) Requesting the Auditor to research public and private entities that provide the proposed coverage for cryopreservation procedures for those diagnosed with cancer and to determine standards of coverage, including what, if any, cost limitations are placed on this coverage benefit;



- (5) Requesting the Auditor to examine current medically necessary standards of care used to determine what types of infertility treatment options are available, at a more cost-effective savings than the proposed cryopreservation procedures, which may be best suited for individuals diagnosed with cancer, and to examine the existing technology in infertility procedures and possible future technology;
- (6) Requesting the Auditor to examine current scientific studies and current medical literature relating to the efficacy of the proposed cryopreservation procedures for those diagnosed with cancer;
- (7) Requesting the Auditor to examine whether the scope of coverage for those "diagnosed with a cancer that may, or whose treatment may, adversely affect the fertility of the insured" is limited to medically necessary fertility preservation treatments for "iatrogenic infertility", meaning an impairment of fertility by surgery, radiation, chemotherapy, or other medical treatment affecting reproductive organs or processes;
- (8) Requesting the Auditor to research certain ethical and legal issues surrounding the rights and entitlements with respect to the cryopreserved material; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

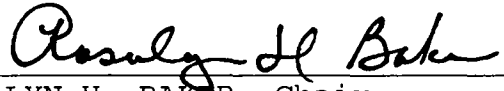
As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Health that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 241, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 241, S.D. 1.



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



JARRETT KEOHOKALOLE, Chair




ROSALYN H. BAKER, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* <i>SC2211</i>	Committee Referral: <i>CPN / HTH</i>	Date: <i>03-31-2022</i>		
<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)	✓			
CHANG, Stanley (VC)	✓			
DECOITE, Lynn	✓			
NISHIHARA, Clarence K.	✓			
RIVIERE, Gil	✓			
SAN BUENAVENTURA, Joy A.				✓
FEVELLA, Kurt	✓			
TOTAL	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center;"></div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

Revised: 6/18/21

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* SCR 241	Committee Referral: CPN/ HTH	Date: 3-31-2022
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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
KEOHOKALOLE, Jarrett (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SAN BUENAVENTURA, Joy A.				✓
FEVELLA, Kurt	✓			
TOTAL	4	-	-	1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
Rosalyn H Baker

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