

MAR 11 2022

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# 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.

1           WHEREAS, certain cancers and cancer treatments or  
2 procedures may affect a person's ability to procreate by  
3 damaging the person's reproductive organs or otherwise reducing  
4 fertility; and

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6           WHEREAS, due to the high costs of fertility preservation  
7 procedures and the narrow window to obtain services, the  
8 procedure is unattainable for many people; and

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10          WHEREAS, mandated health care coverage for fertility  
11 preservation procedures would allow persons who are diagnosed  
12 with cancer, and who will undergo treatment that may affect  
13 their fertility, to have the opportunity to have a child in the  
14 future; and

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16          WHEREAS, the Legislature adopted House Concurrent  
17 Resolution No. 9, S.D. 1, Regular Session of 2012, requesting  
18 the Auditor to assess the social and financial effects of  
19 mandating health insurance coverage for fertility preservation  
20 procedures for persons of reproductive age who have been  
21 diagnosed with cancer and will undergo treatment that may  
22 adversely affect fertility as further described by House Bill  
23 No. 2105 (Regular Session of 2012); and

24  
25          WHEREAS, in October 2012, the Auditor issued its Report No.  
26 12-09, entitled "Mandatory Health Insurance Coverage for  
27 Fertility Preservation Procedures for People of Reproductive Age  
28 Diagnosed with Cancer"; and



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2 WHEREAS, at the time the report was written, no state  
3 required insurance coverage for infertility treatments for  
4 people who may become infertile as a result of cancer  
5 treatments; further, the Auditor found that insurance coverage  
6 for the two fertility preservation procedures proposed in H.B.  
7 No. 2105, was not generally available in Hawaii or in other  
8 states; and  
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10 WHEREAS, the report found that "there is insufficient data  
11 to assess the social and financial impacts of mandating  
12 insurance coverage. Individuals diagnosed with cancer, who may  
13 want to preserve their reproductive ability, must seek the  
14 service on their own and bear the full costs, which could be  
15 upwards of \$10,000. . . . [B]ut we conclude that the number of  
16 people generally utilizing the procedures is unknown and the  
17 level of public demand is low"; and  
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19 WHEREAS, since that time, more fertility preservation  
20 options have been developed and improved and are now recognized  
21 as part of the standard of care in oncology treatment; and  
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23 WHEREAS, due to significant advances in cancer treatment  
24 over the past generation, cancer patients eligible for these  
25 treatments, meaning patients ages zero to forty-five, have  
26 extremely good chances of survival, often above eighty percent,  
27 and therefore deserve mitigation of side effects such as  
28 infertility that will adversely impact their subsequent quality  
29 of life; and  
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31 WHEREAS, in the past four years, eleven states have  
32 recognized the need for this coverage and have therefore enacted  
33 laws mandating insurance coverage for fertility preservation  
34 procedures for cancer patients and others facing potential  
35 infertility as result of medical treatment: California,  
36 Colorado, Connecticut, Delaware, Illinois, Maryland, New  
37 Hampshire, New Jersey, New York, Rhode Island, and Utah; and  
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39 WHEREAS, now, with experience in other states of various  
40 size, geography, and demographics; published, detailed reports  
41 from California and Connecticut; and potentially more fertility  
42 preservation options available now than were available ten years



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1 ago, this body finds that the Auditor should be able to evaluate  
2 additional experiential data and better assess the social and  
3 financial impacts of mandating insurance coverage for fertility  
4 preservation procedures for those who have been diagnosed with  
5 cancer and whose cancer or cancer treatment may adversely affect  
6 their fertility; and  
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8 WHEREAS, House Bill No. 2242 and Senate Bill No. 3308,  
9 introduced during the Regular Session of 2022, require insurers,  
10 mutual benefit societies, and health maintenance organizations  
11 to provide coverage for fertility preservation procedures for  
12 those who have been diagnosed with cancer or other medical  
13 condition or disease and whose cancer or cancer treatment may  
14 adversely affect their fertility; and  
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16 WHEREAS, pursuant to section 23-51, Hawaii Revised  
17 Statutes, before any legislative measure that mandates health  
18 insurance coverage for specific health services, specific  
19 diseases, or certain providers of health care services as part  
20 of individual or group health insurance policies, can be  
21 considered, concurrent resolutions shall be passed that  
22 designate a specific legislative bill for the Auditor to review  
23 and prepare a report for submission to the Legislature that  
24 assesses both the social and financial effects of the proposed  
25 mandated coverage under that legislative bill; and  
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27 WHEREAS, section 23-52, Hawaii Revised Statutes, further  
28 specifies the minimum information required for assessing the  
29 social and financial impact of the proposed health coverage  
30 mandate in the State Auditor's report; now, therefore,  
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32 BE IT RESOLVED by the Senate of the Thirty-first  
33 Legislature of the State of Hawaii, Regular Session of 2022, the  
34 House of Representatives concurring, that the Auditor is  
35 requested to assess, in accordance with sections 23-51 and 23-  
36 52, Hawaii Revised Statutes, the social and financial effects of  
37 mandating health insurance coverage for fertility preservation  
38 procedures for certain persons who have been diagnosed with  
39 cancer and whose cancer or cancer treatment may adversely affect  
40 the person's fertility, as provided in House Bill No. 2242 and  
41 Senate Bill No. 3308, Regular Session of 2022; and  
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1 BE IT FURTHER RESOLVED that the Auditor is requested to  
2 submit a report of its findings and recommendations, including  
3 any proposed legislation, to the Legislature no later than  
4 twenty days prior to the convening of the Regular Session of  
5 2023; and

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7 BE IT FURTHER RESOLVED that certified copies of this  
8 Concurrent Resolution be transmitted to the Auditor and  
9 Insurance Commissioner who, in turn, is requested to transmit  
10 copies to each organization that issues health insurance  
11 policies in the State that may be affected by this Concurrent  
12 Resolution.

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OFFERED BY: *Ronald H. Bak*

