
A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature recognizes that the State has a
2 duty to protect and improve the health and environment of the
3 people. The legislature finds that a number of state residents
4 suffer from depression. The legislature also finds that
5 according to an article published in Current Neuropharmacology,
6 the use of ketamine is a valid antidepressant option for the
7 treatment of treatment-resistant depression and has rapid
8 antidepressant effects.

9 The purpose of this Act is to require medicaid and
10 insurance coverage of ketamine therapy.

11 SECTION 2. Chapter 346, Hawaii Revised Statutes, is
12 amended by adding a new section to part I to be appropriately
13 designated and to read as follows:

14 "§346- Coverage for ketamine therapy. Beginning on
15 January 1, 2024, the State's medicaid programs shall provide
16 coverage for per cent of the costs of ketamine therapy to



1 treat depression in qualifying patients, as determined by
2 qualified psychiatrists or other mental health professionals."

3 SECTION 3. Chapter 431, Hawaii Revised Statutes, is
4 amended by adding a new section to part I of article 10A to be
5 appropriately designated and to read as follows:

6 **"§431:10A- Coverage for ketamine therapy. Each**
7 individual or group accident and health or sickness insurance
8 policy issued or renewed in this State on or after January 1,
9 2024, shall provide to the policyholder and individuals covered
10 under the policy coverage for _____ per cent of the costs of
11 ketamine therapy to treat depression in qualifying patients, as
12 determined by qualified psychiatrists or other mental health
13 professionals."

14 SECTION 4. Chapter 432, Hawaii Revised Statutes, is
15 amended by adding a new section to part VI of article I to be
16 appropriately designated and to read as follows:

17 **"§432:1- Coverage for ketamine therapy. Each hospital**
18 or medical service plan contract issued or renewed in this State
19 on or after January 1, 2024, shall provide to the member and
20 individuals covered under the plan contract coverage
21 for _____ per cent of the costs of ketamine therapy to treat



1 depression in qualifying patients, as determined by qualified
2 psychiatrists or other mental health professionals."

3 SECTION 5. Section 432D-23, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§432D-23 Required provisions and benefits.**

6 Notwithstanding any provision of law to the contrary, each
7 policy, contract, plan, or agreement issued in the State after
8 January 1, 1995, by health maintenance organizations pursuant to
9 this chapter, shall include benefits provided in sections
10 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116,
11 431:10A-116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119,
12 431:10A-120, 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126,
13 431:10A-132, 431:10A-133, 431:10A-134, 431:10A-140, and
14 [~~431:10A-134,~~] 431:10A- , and chapter 431M."

15 SECTION 6. In accordance with section 9 of article VII of
16 the Hawaii State Constitution and sections 37-91 and 37-93,
17 Hawaii Revised Statutes, the legislature has determined that the
18 appropriations contained in Act 164, Regular Session of 2023,
19 and this Act will cause the state general fund expenditure
20 ceiling for fiscal year 2024-2025 to be exceeded by
21 \$ or per cent. This current declaration takes



1 into account general fund appropriations authorized for fiscal
2 year 2024-2025 in Act 164, Regular Session of 2023, and this Act
3 only. The reasons for exceeding the general fund expenditure
4 ceiling are that:

5 (1) The appropriation made in this Act is necessary to
6 serve the public interest; and

7 (2) The appropriation made in this Act meets the needs
8 addressed by this Act.

9 SECTION 7. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so
11 much thereof as may be necessary for fiscal year 2024-2025 for
12 costs arising from the coverage of ketamine therapy required or
13 authorized under section 2 of this Act.

14 The sum appropriated shall be expended by the department of
15 human services for the purposes of this Act.

16 SECTION 8. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 9. This Act shall take effect on July 1, 2040;
19 provided that section 2 of this Act shall take effect upon
20 approval of the Hawaii medicaid state plan by the Centers for
21 Medicare and Medicaid Services.



Report Title:

Health; Health Insurance; Medicaid; Mandated Coverage; Ketamine Therapy; Expenditure Ceiling; Appropriation

Description:

Requires Medicaid and insurance coverage for ketamine therapy to treat depression. Makes an appropriation for costs resulting from Medicaid coverage for ketamine therapy. Declares that the general fund expenditure ceiling is exceeded. Takes effect 7/1/2040. (SD1)

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