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# A BILL FOR AN ACT

RELATING TO INSURANCE.

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

1           SECTION 1. Chapter 431, Hawaii Revised Statutes, is  
2 amended by adding a new section to article 10A, part I, to be  
3 appropriately designated and to read as follows:

4           "§431:10A-    Standard fertility preservation services  
5 coverage. (a) Each individual or group policy of accident and  
6 health or sickness insurance issued or renewed in the State  
7 after December 31, 2025, shall provide to the policyholder, and  
8 individuals under twenty-six years of age covered under the  
9 policy, coverage for standard fertility preservation services  
10 for any insured who may undergo a medically necessary treatment  
11 that may directly or indirectly cause iatrogenic infertility.

12           (b) No policy that provides coverage for standard  
13 fertility preservation services as required by subsection (a)  
14 shall:

15           (1) Use any prior diagnosis or prior fertility treatment  
16           as a basis for excluding, limiting, or otherwise



1 restricting the availability of the required coverage;

2 or

3 (2) Discriminate based on the insured's expected length of

4 life, present or predicted disability, degree of

5 medical dependency, perceived quality of life, or

6 other health conditions.

7 (c) Any limitations imposed by a policy shall be based on

8 the insured's medical history and clinical guidelines adopted by

9 the insurer. Any clinical guidelines used by the insurer shall

10 be based on the 2018 update to the guidelines developed by the

11 American Society of Clinical Oncology and shall not deviate from

12 the full scope of the guidelines.

13 (d) For the purposes of this section:

14 "Iatrogenic infertility" means an impairment of fertility

15 caused directly or indirectly by surgery, chemotherapy,

16 radiation, or other medical treatment affecting the reproductive

17 organs or processes.

18 "Medically necessary treatment that may directly or

19 indirectly cause iatrogenic infertility" means any

20 cancer-related medical treatment with a likely side effect of

21 infertility.



1       "Standard fertility preservation services" means the  
2 procedures to preserve fertility as outlined and established  
3 according to the 2018 update to the professional guidelines  
4 published by the American Society of Clinical Oncology.

5 "Standard fertility preservation services" include the full  
6 scope of services or treatments, without any exclusions or  
7 limitations, as defined in the 2018 update to the professional  
8 guidelines established by the American Society of Clinical  
9 Oncology. "Standard fertility preservation services" does not  
10 include:

11       (1) Any experimental procedures or other procedures not  
12 determined to be established medical practices  
13 according to the 2018 update to the guidelines  
14 developed by the American Society of Clinical  
15 Oncology;

16       (2) Third-party assisted reproduction technology  
17 procedures, including donor egg or surrogates and  
18 gestational carriers; and

19       (3) Any services relating to cryopreservation storage."



1 SECTION 2. Chapter 432, Hawaii Revised Statutes, is  
2 amended by adding a new section to article I, part VI, to be  
3 appropriately designated and to read as follows:

4 "§432:1- Standard fertility preservation services  
5 coverage. (a) Each individual or group hospital or medical  
6 service plan contract issued or renewed in this State after  
7 December 31, 2025, shall provide to the subscriber or member,  
8 and individuals under twenty-six years of age covered under the  
9 plan contract, coverage for standard fertility preservation  
10 services for any covered person who may undergo a medically  
11 necessary treatment that may directly or indirectly cause  
12 iatrogenic infertility.

13 (b) No plan contract that provides coverage for standard  
14 fertility preservation services as required by subsection (a)  
15 shall:

16 (1) Use any prior diagnosis or prior fertility treatment  
17 as a basis for excluding, limiting, or otherwise  
18 restricting the availability of the required coverage;

19 or

20 (2) Discriminate based on the covered person's expected  
21 length of life, present or predicted disability,



1 degree of medical dependency, perceived quality of  
2 life, or other health conditions.

3 (c) Any limitations imposed by a plan contract shall be  
4 based on the covered person's medical history and clinical  
5 guidelines adopted by the mutual benefit society. Any clinical  
6 guidelines used by the mutual benefit society shall be based on  
7 the 2018 update to the guidelines developed by the American  
8 Society of Clinical Oncology and shall not deviate from the full  
9 scope of the guidelines.

10 (d) For the purposes of this section:

11 "Iatrogenic infertility" means an impairment of fertility  
12 caused directly or indirectly by surgery, chemotherapy,  
13 radiation, or other medical treatment affecting the reproductive  
14 organs or processes.

15 "Medically necessary treatment that may directly or  
16 indirectly cause iatrogenic infertility" means any  
17 cancer-related medical treatment with a likely side effect of  
18 infertility.

19 "Standard fertility preservation services" means the  
20 procedures to preserve fertility as outlined and established  
21 according to 2018 update to the professional guidelines



1 published by the American Society of Clinical Oncology.  
 2 "Standard fertility preservation services" include the full  
 3 scope of services or treatments, without any exclusions or  
 4 limitations, as defined in the 2018 update to the professional  
 5 guidelines established by the American Society of Clinical  
 6 Oncology. "Standard fertility preservation services" does not  
 7 include:

- 8       (1) Any experimental procedures or other procedures not  
 9       determined to be established medical practices  
 10       according to the 2018 update to the guidelines  
 11       developed by the American Society of Clinical  
 12       Oncology;
- 13       (2) Third-party assisted reproduction technology  
 14       procedures, including donor egg or surrogates and  
 15       gestational carriers; and
- 16       (3) Any services relating to cryopreservation storage."

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

19       "**§432D-23 Required provisions and benefits.**

20 Notwithstanding any provision of law to the contrary, each  
 21 policy, contract, plan, or agreement issued in the State after



1 January 1, 1995, by health maintenance organizations pursuant to  
2 this chapter, shall include benefits provided in sections  
3 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116,  
4 431:10A-116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119,  
5 431:10A-120, 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126,  
6 431:10A-132, 431:10A-133, 431:10A-134, 431:10A-140, and  
7 [~~431:10A-134~~,] 431:10A- , and chapter 431M."

8 SECTION 4. The benefit to be provided by health  
9 maintenance organizations corresponding to the benefit provided  
10 under section 431:10A- , Hawaii Revised Statutes, as contained  
11 in the amendment to section 432D-23, Hawaii Revised Statutes, in  
12 section 3 of this Act, shall take effect for all policies,  
13 contracts, plans, or agreements issued or renewed in the State  
14 on or after December 31, 2025.

15 SECTION 5. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on December 31,  
18 2050.



**Report Title:**

Insurance; Mandatory Coverage; Standard Fertility Preservation Services; Iatrogenic Infertility; Medically Necessary Treatment

**Description:**

For policies, contracts, plans, and agreements issued or renewed after 12/31/2025, requires insurers, mutual benefit societies, and health maintenance organizations to provide coverage for standard fertility preservation services for persons undergoing medically necessary treatment that may cause iatrogenic infertility. Effective 12/31/2050. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

