

JAN 17 2025

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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 amended  
2 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 covered individual's medical history and clinical guidelines  
9 adopted by the insurer. Any clinical guidelines used by the  
10 insurer shall be based on the current guidelines developed by  
11 the American Society of Clinical Oncology and shall not deviate  
12 from the full scope of the guidelines.

13           (d) As used in this section, unless the context requires  
14 otherwise:

15           "Iatrogenic infertility" means an impairment of fertility  
16 caused directly or indirectly by surgery, chemotherapy,  
17 radiation, or other medical treatment affecting the reproductive  
18 organs or processes.

19           "Medically necessary treatment that may directly or  
20 indirectly cause iatrogenic infertility" means medical treatment



1 with a likely side effect of infertility as established by the  
2 American Society of Clinical Oncology.

3 "Standard fertility preservation services" means the  
4 procedures to preserve fertility as outlined and established  
5 according to the professional guidelines published by the  
6 American Society of Clinical Oncology. "Standard fertility  
7 preservation services" include the full scope of services or  
8 treatments, without any exclusions or limitations, as defined in  
9 the most recent professional guidelines established by the  
10 American Society of Oncology. "Standard fertility preservation  
11 services" do not include:

12 (1) Any experimental procedures or other procedures not  
13 determined to be established medical practices by the  
14 American Society of Clinical Oncology;

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

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

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



1           "§432:1-           Standard fertility preservation services  
2 coverage. (a) Each individual or group hospital or medical  
3 service plan contract issued or renewed in this State after  
4 December 31, 2025, shall provide to the member, and individuals  
5 under twenty-six years of age covered under the plan contract,  
6 coverage for standard fertility preservation services for any  
7 covered person who may undergo a medically necessary treatment  
8 that may directly or indirectly cause iatrogenic infertility.  
9           (b) No plan contract that provides coverage for standard  
10 fertility preservation services as required by subsection (a)  
11 shall:  
12           (1) Use any prior diagnosis or prior fertility treatment  
13           as a basis for excluding, limiting, or otherwise  
14           restricting the availability of the required coverage;  
15           or  
16           (2) Discriminate based on the covered person's expected  
17           length of life, present or predicted disability,  
18           degree of medical dependency, perceived quality of  
19           life, or other health conditions.  
20           (c) Any limitations imposed by a plan contract shall be  
21 based on the covered individual's medical history and clinical

1 guidelines adopted by the mutual benefit society. Any clinical  
2 guidelines used by the mutual benefit society shall be based on  
3 the current guidelines developed by the American Society of  
4 Clinical Oncology and shall not deviate from the full scope of  
5 the guidelines.

6 (d) As used in this section, unless the context requires  
7 otherwise:

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

12 "Medically necessary treatment that may directly or  
13 indirectly cause iatrogenic infertility" means medical treatment  
14 with a likely side effect of infertility as established by the  
15 American Society of Clinical Oncology.

16 "Standard fertility preservation services" means the  
17 procedures to preserve fertility as outlined and established  
18 according to the professional guidelines published by the  
19 American Society of Clinical Oncology. "Standard fertility  
20 preservation services" include the full scope of services or  
21 treatments, without any exclusions or limitations, as defined in



1 the most recent professional guidelines established by the  
2 American Society of Oncology. "Standard fertility preservation  
3 services" do not include:

4 (1) Any experimental procedures or other procedures not  
5 determined to be established medical practices by the  
6 American Society of Clinical Oncology;

7 (2) Third party assisted reproduction technology  
8 procedures, including donor egg or surrogates and  
9 gestational carriers; and

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

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

13 **"§432D-23 Required provisions and benefits.**

14 Notwithstanding any provision of law to the contrary, each  
15 policy, contract, plan, or agreement issued in the State after  
16 January 1, 1995, by health maintenance organizations pursuant to  
17 this chapter, shall include benefits provided in sections  
18 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-  
19 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,  
20 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,



1 431:10A-133, 431:10A-134, 431:10A-140, and [~~431:10A-134,~~  
2 431:10A- , and chapter 431M."

3 SECTION 4. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'RSH', is written over a horizontal line.

# S.B. NO. 642

**Report Title:**

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

**Description:**

For policies, contracts, plans, and agreements issued or renewed after 12/31/2025, requires the 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.

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