
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 optional coverage. (a) Each individual or group policy of

6 accident and health or sickness insurance policy issued or

7 renewed in the State after December 31, 2025, shall provide to

8 the policyholder optional coverage for standard fertility

9 preservation services for any insured who may undergo a

10 medically necessary treatment that may directly or indirectly

11 cause iatrogenic infertility.

12 (b) No policy that provides optional 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 optional
2 coverage; 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) 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 medical treatment
20 with a likely side effect of infertility as established by the
21 American Society of Clinical Oncology.



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

- 10 (1) Any experimental procedures or other procedures not
11 determined to be established medical practices by the
12 American Society of Clinical 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 2. Chapter 432, Hawaii Revised Statutes, is
18 amended by adding a new section to article 1, part VI, to be
19 appropriately designated and to read as follows:

20 "§432:1- Standard fertility preservation services;
21 optional coverage. (a) Each individual or group hospital or



1 medical service plan contract issued or renewed in this State
2 after December 31, 2025, shall provide to the member optional
3 coverage for standard fertility preservation services for any
4 covered person who may undergo a medically necessary treatment
5 that may directly or indirectly cause iatrogenic infertility.

6 (b) No plan contract that provides optional coverage for
7 standard fertility preservation services as required by
8 subsection (a) shall:

9 (1) Use any prior diagnosis or prior fertility treatment
10 as a basis for excluding, limiting, or otherwise
11 restricting the availability of the required optional
12 coverage; or

13 (2) Discriminate based on the covered person's expected
14 length of life, present or predicted disability,
15 degree of medical dependency, perceived quality of
16 life, or other health conditions.

17 (c) Any limitations imposed by a plan contract shall be
18 based on the covered individual's medical history and clinical
19 guidelines adopted by the mutual benefit society. Any clinical
20 guidelines used by the mutual benefit society shall be based on
21 the current guidelines developed by the American Society of



1 Clinical Oncology and shall not deviate from the full scope of
2 the guidelines.

3 (d) For the purposes of this section:

4 "Iatrogenic infertility" means an impairment of fertility
5 caused directly or indirectly by surgery, chemotherapy,
6 radiation, or other medical treatment affecting the reproductive
7 organs or processes.

8 "Medically necessary treatment that may directly or
9 indirectly cause iatrogenic infertility" means medical treatment
10 with a likely side effect of infertility as established by the
11 American Society of Clinical Oncology.

12 "Standard fertility preservation services" means the
13 procedures to preserve fertility as outlined and established
14 according to the professional guidelines published by the
15 American Society of Clinical Oncology. "Standard fertility
16 preservation services" include the full scope of services or
17 treatments, without any exclusions or limitations, as defined in
18 the most recent professional guidelines established by the
19 American Society of Clinical Oncology. "Standard fertility
20 preservation services" do not include:



- 1 (1) Any experimental procedures or other procedures not
- 2 determined to be established medical practices by the
- 3 American Society of Clinical Oncology;
- 4 (2) Third-party assisted reproduction technology
- 5 procedures, including donor egg or surrogates and
- 6 gestational carriers; and
- 7 (3) Any services relating to cryopreservation storage."

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

10 **"§432D-23 Required provisions and benefits.**

11 Notwithstanding any provision of law to the contrary, each
 12 policy, contract, plan, or agreement issued in the State after
 13 January 1, 1995, by health maintenance organizations pursuant to
 14 this chapter, shall include benefits provided in sections
 15 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
 16 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,
 17 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,
 18 431:10A-133, 431:10A-134, 431:10A-140, and [~~431:10A-134,~~
 19 431:10A- , and chapter 431M."

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



1 SECTION 5. This Act shall take effect on December 31,
2 2050.



Report Title:

Insurance; Mandatory Optional coverage; Standard Fertility Preservation Services; Medically Necessary Treatment

Description:

Requires all health insurance policies, contracts, plans, and agreements issued or renewed after 12/31/2025, to provide optional 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.

