
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 policy of individual or group
6 accident and health or sickness insurance issued or renewed in
7 the State after December 31, 2025, shall provide to the
8 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 2018 update to the guidelines
11 developed by the American Society of Clinical Oncology and shall
12 not deviate 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 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" do 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 eggs 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 1, part VI, to be
3 appropriately designated and to read as follows:

4 "§432:1- Standard fertility preservation services;

5 optional coverage. (a) Each individual or group hospital or
6 medical service plan contract issued or renewed in this State
7 after December 31, 2025, shall provide to the member optional
8 coverage for standard fertility preservation services for any
9 covered person who may undergo a medically necessary treatment
10 that may directly or indirectly cause iatrogenic infertility.

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

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

18 (2) Discriminate based on the covered person's expected
19 length of life, present or predicted disability,
20 degree of medical dependency, perceived quality of
21 life, or other health conditions.



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

8 (d) For the purposes of this section:

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

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

17 "Standard fertility preservation services" means the
18 procedures to preserve fertility as outlined and established
19 according to the 2018 update to the professional guidelines
20 published by the American Society of Clinical Oncology.

21 "Standard fertility preservation services" include the full



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

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

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

17 "**§432D-23 Required provisions and benefits.**

18 Notwithstanding any provision of law to the contrary, each
19 policy, contract, plan, or agreement issued in the State after
20 January 1, 1995, by health maintenance organizations pursuant to
21 this chapter, shall include benefits provided in sections



1 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116,
2 431:10A-116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119,
3 431:10A-120, 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126,
4 431:10A-132, 431:10A-133, 431:10A-134, 431:10A-140, and
5 [~~431:10A-134~~,] 431:10A- , and chapter 431M."

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

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on December 31,
16 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 cancer-related treatments that may cause iatrogenic infertility. Effective 12/31/2050. (SD2)

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

