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# A BILL FOR AN ACT

RELATING TO INSURANCE.

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

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

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

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

(1) Use any prior diagnosis or prior fertility treatment 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 current guidelines developed by the American  
11          Society of Clinical Oncology and shall not deviate from the full  
12          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 Clinical Oncology. "Standard fertility  
11 preservation services" does 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 subscriber or member,  
5 and individuals under twenty-six years of age covered under the  
6 plan contract, coverage for standard fertility preservation  
7 services for any covered person who may undergo a medically  
8 necessary treatment that may directly or indirectly cause  
9 iatrogenic infertility.

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

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

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



1        (c) Any limitations imposed by a plan contract shall be  
2   based on the covered person'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 current guidelines developed by the American Society of  
6   Clinical Oncology and shall not deviate from the full scope of  
7   the guidelines.

8        (d) As used in this section, unless the context requires  
9   otherwise:

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

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

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



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

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

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

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

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

15 **"§432D-23 Required provisions and benefits.**

16 Notwithstanding any provision of law to the contrary, each  
17 policy, contract, plan, or agreement issued in the State after  
18 January 1, 1995, by health maintenance organizations pursuant to  
19 this chapter, shall include benefits provided in sections  
20 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-  
21 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,



1 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,  
2 431:10A-133, 431:10A-134, 431:10A-140, and [~~431:10A-134~~],  
3 431:10A-, and chapter 431M."

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

6 SECTION 5. This Act shall take effect on July 1, 3000.



**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 7/1/3000. (HD2)

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

