
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, 2026, shall provide to the policyholder or
8 any dependent of the policyholder who is 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) Except as provided in subsection (b), any limitations

8 imposed by a policy shall be based on the insured's medical

9 history and clinical guidelines adopted by the insurer. Any

10 clinical guidelines used by the insurer shall be based on the

11 2018 update to the American Society of Clinical Oncology

12 guidelines and shall not deviate from the full scope of the

13 guidelines.

14 (d) For the purposes of this section:

15 "American Society of Clinical Oncology guidelines" means

16 the clinical practice guidelines on fertility preservation in

17 people with cancer published by the American Society of Clinical

18 Oncology.

19 "Iatrogenic infertility" means an impairment of fertility

20 caused directly or indirectly by surgery, chemotherapy,



1 radiation, or other medical treatment affecting the reproductive
2 organs or processes.

3 "Medically necessary treatment that may directly or
4 indirectly cause iatrogenic infertility" means any
5 cancer-related medical treatment with a likely side effect of
6 infertility.

7 "Standard fertility preservation services" means the
8 procedures to preserve fertility as outlined and established
9 according to the 2018 update to the American Society of Clinical
10 Oncology guidelines. "Standard fertility preservation services"
11 includes the full scope of services or treatments, without any
12 exclusions or limitations, as defined in the 2018 update to the
13 American Society of Clinical Oncology guidelines. "Standard
14 fertility preservation services" does not include:

15 (1) Any experimental procedures or other procedures not
16 determined to be established medical practices
17 according to the 2018 update to the American Society
18 of Clinical Oncology guidelines;

19 (2) Third-party assisted reproduction technology
20 procedures, including donor egg, sperm retrieval, or
21 surrogates and gestational carriers; and



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

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

5 "§432:1- Standard fertility preservation services
6 coverage. (a) Each individual or group hospital or medical
7 service plan contract issued or renewed in this State after
8 December 31, 2026, shall provide to the subscriber or member or
9 any dependent of the subscriber or member who is covered under
10 the plan contract, coverage for standard fertility preservation
11 services for any covered person who may undergo a medically
12 necessary treatment that may directly or indirectly cause
13 iatrogenic infertility.

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

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



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

5 (c) Except as provided in subsection (b), any limitations
6 imposed by a plan contract shall be based on the covered
7 person's medical history and clinical guidelines adopted by the
8 mutual benefit society. Any clinical guidelines used by the
9 mutual benefit society shall be based on the 2018 update to the
10 American Society of Clinical Oncology guidelines and shall not
11 deviate from the full scope of the guidelines.

12 (d) For the purposes of this section:

13 "American Society of Clinical Oncology guidelines" means
14 the clinical practice guidelines on fertility preservation in
15 people with cancer published by the American Society of Clinical
16 Oncology.

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



1 "Medically necessary treatment that may directly or
2 indirectly cause iatrogenic infertility" means any
3 cancer-related medical treatment with a likely side effect of
4 infertility.

5 "Standard fertility preservation services" means the
6 procedures to preserve fertility as outlined and established
7 according to the 2018 update to the American Society of Clinical
8 Oncology guidelines. "Standard fertility preservation services"
9 includes the full scope of services or treatments, without any
10 exclusions or limitations, as defined in the 2018 update to the
11 American Society of Clinical Oncology guidelines. "Standard
12 fertility preservation services" does not include:

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

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

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



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

3 **"§432D-23 Required provisions and benefits.**

4 Notwithstanding any provision of law to the contrary, each
5 policy, contract, plan, or agreement issued in the State after
6 January 1, 1995, by health maintenance organizations pursuant to
7 this chapter, shall include benefits provided in sections
8 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
9 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,
10 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,
11 431:10A-133, 431:10A-134, 431:10A-140, and [~~431:10A-134~~,]
12 431:10A-_____, and chapter 431M."

13 SECTION 4. The benefit to be provided by health
14 maintenance organizations corresponding to the benefit provided
15 under section 431:10A-_____, Hawaii Revised Statutes, as contained
16 in the amendment to section 432D-23, Hawaii Revised Statutes, in
17 section 3 of this Act, shall take effect for all policies,
18 contracts, plans, or agreements issued or renewed in the State
19 after December 31, 2026.

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



1 SECTION 6. This Act shall take effect on January 1, 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 12/31/2026, 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 1/1/2050. (SD2)

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

