

JAN 23 2026

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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  
2 amended by adding a new section to article 10A, part I, to be  
3 appropriately designated and to read as follows:

4        **"S431:10A- 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, 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 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 2018 update to the American Society of Clinical  
11                   Oncology guidelines and shall not deviate from the full scope of  
12                   the guidelines.

13                   (d) For the purposes of this section:

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

18                   "Iatrogenic infertility" means an impairment of fertility  
19                   caused directly or indirectly by surgery, chemotherapy,  
20                   radiation, or other medical treatment affecting the reproductive  
21                   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        include 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 or surrogates and  
19        gestational carriers; and
- 20        (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 I, part VI, to be  
3 appropriately designated and to read as follows:

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

5 **coverage.** (a) Each individual or group hospital or medical  
6 service plan contract issued or renewed in this State after  
7 December 31, 2026, shall provide to the subscriber or member,  
8 and individuals under twenty-six years of age covered under the  
9 plan contract, coverage for standard fertility preservation  
10 services for any covered person who may undergo a medically  
11 necessary treatment that may directly or indirectly cause  
12 iatrogenic infertility.

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

16 (1) Use any prior diagnosis or prior fertility treatment  
17 as a basis for excluding, limiting, or otherwise  
18 restricting the availability of the required coverage;  
19 or  
20 (2) Discriminate based on the covered person's expected  
21 length of life, present or predicted disability,



1                   degree of medical dependency, perceived quality of  
2                   life, or other health conditions.

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

10                  (d) For the purposes of this section:

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

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 any



1    cancer-related medical treatment with a likely side effect of  
2    infertility.

3    "Standard fertility preservation services" means the  
4    procedures to preserve fertility as outlined and established  
5    according to 2018 update to the American Society of Clinical  
6    Oncology guidelines. "Standard fertility preservation services"  
7    include the full scope of services or treatments, without any  
8    exclusions or limitations, as defined in the 2018 update to the  
9    American Society of Clinical Oncology guidelines. "Standard  
10    fertility preservation services" does not 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 American Society  
14    of Clinical Oncology guidelines;  
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 3. Section 432D-23, Hawaii Revised Statutes, is  
20    amended to read as follows:



1           **"§432D-23   Required provisions and benefits.**

2   Notwithstanding any provision of law to the contrary, each

3   policy, contract, plan, or agreement issued in the State after

4   January 1, 1995, by health maintenance organizations pursuant to

5   this chapter, shall include benefits provided in sections

6   431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-

7   116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,

8   431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,

9   431:10A-133, 431:10A-134, 431:10A-140, and [431:10A-134,]

10   431:10A-, and chapter 431M."

11           SECTION 4. The benefit to be provided by health

12   maintenance organizations corresponding to the benefit provided

13   under section 431:10A- , Hawaii Revised Statutes, as contained

14   in the amendment to section 432D-23, Hawaii Revised Statutes, in

15   section 3 of this Act, shall take effect for all policies,

16   contracts, plans, or agreements issued or renewed in the State

17   on or after December 31, 2026.

18           SECTION 5. Statutory material to be repealed is bracketed

19   and stricken. New statutory material is underscored.

20           SECTION 6. This Act shall take effect upon its approval.

21



S.B. NO. 2899

INTRODUCED BY: Rachel Jarsa



S.B. NO. 2899

**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.

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

