

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



GOV. MSG. NO. 1320

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

July 9, 2026

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Third State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Nadine K. Nakamura
Speaker, and Members of the
House of Representatives
Thirty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Aloha President Kouchi, Speaker Nakamura, and Members of the Legislature:

This is to inform you that on July 9, 2026, the following bill was signed into law:

H.B. NO. 1864, H.D. 2, S.D. 2,
C.D. 1

RELATING TO INSURANCE.
ACT 218

Mahalo,

A handwritten signature in black ink that reads "Josh Green M.D." in a cursive style.

Josh Green, M.D.
Governor, State of Hawai'i

on JUL 9 2026

HOUSE OF REPRESENTATIVES
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

ACT 218
H.B. NO. 1864
H.D. 2
S.D. 2
C.D. 1

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, 2026, shall provide to the policyholder, or any dependent of the policyholder who is 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) 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."



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

"§432D-23 Required provisions and benefits.

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

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

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 Statutory material to be repealed is bracketed and stricken.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

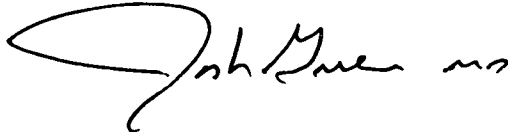


1 SECTION 6. This Act shall take effect upon its approval.



H.B. NO. 1864
H.D. 2
S.D. 2
C.D. 1

APPROVED this 9th day of July, 2026

A handwritten signature in black ink, appearing to read "Josh Green", with a stylized flourish at the end.

GOVERNOR OF THE STATE OF HAWAII

HB No. 1864, HD 2, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 6, 2026
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Third Legislature of the State of Hawaii, Regular Session of 2026.



Nadine K. Nakamura
Speaker
House of Representatives

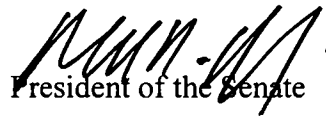


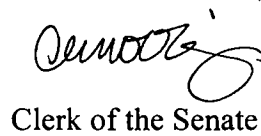
Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 6, 2026
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-Third Legislature of the State of Hawai‘i, Regular Session of 2026.


President of the Senate


Clerk of the Senate