
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 most recent American Society of Clinical Oncology guidelines and

12 shall not deviate from the full scope of 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 most recent 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 most recent
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 most recent American Society of
16 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 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 or
8 any dependent of the subscriber or member who is covered under
9 the 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) Except as provided in subsection (b), any limitations
4 imposed by a plan contract shall be based on the covered
5 person's medical history and clinical guidelines adopted by the
6 mutual benefit society. Any clinical guidelines used by the
7 mutual benefit society shall be based on the most recent
8 American Society of Clinical Oncology guidelines and shall not
9 deviate from the full scope of the 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 the most recent 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 most recent
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 most recent American Society of
14 Clinical Oncology guidelines;

15 (2) Third-party assisted reproduction technology
16 procedures, including donor egg, sperm retrieval, or
17 surrogates and 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 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 12/31/2026, 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 7/1/3000. (HD1)

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

