

MAR 10 2023

SENATE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL
EFFECTS OF MANDATORY HEALTH INSURANCE COVERAGE FOR
FERTILITY PRESERVATION PROCEDURES FOR CERTAIN PERSONS WHO
HAVE BEEN DIAGNOSED WITH CANCER AND WHOSE CANCER OR CANCER
TREATMENT MAY ADVERSELY AFFECT THEIR FERTILITY.

1 WHEREAS, certain cancers and cancer treatments or
2 procedures may affect a person's ability to procreate by
3 damaging the person's reproductive organs or otherwise reducing
4 fertility; and

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6 WHEREAS, due to the high costs of fertility preservation
7 procedures and the narrow window to obtain services, the
8 procedure is unattainable for many people; and

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10 WHEREAS, mandated health insurance coverage for fertility
11 preservation procedures would allow persons who are diagnosed
12 with cancer, and who will undergo treatment that may affect
13 their fertility, to have the opportunity to have a child in the
14 future; and

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16 WHEREAS, the Legislature adopted House Concurrent
17 Resolution No. 9, S.D. 1 (2012), requesting the Auditor to
18 assess the social and financial effects of mandating health
19 insurance coverage for fertility preservation procedures for
20 persons of reproductive age who have been diagnosed with cancer
21 and will undergo treatment that may adversely affect fertility
22 as further described by House Bill No. 2105 (2012); and

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24 WHEREAS, in October 2012, the Auditor issued its Report No.
25 12-09, entitled "Mandatory Health Insurance Coverage for
26 Fertility Preservation Procedures for People of Reproductive Age
27 Diagnosed with Cancer"; and

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29 WHEREAS, at the time the report was written, no state
30 required insurance coverage for infertility treatments for



1 people who may become infertile as a result of cancer
2 treatments; further, the Auditor found that insurance coverage
3 for the two fertility preservation procedures proposed in House
4 Bill No. 2105 (2012), was not generally available in Hawaii or
5 in other states; and

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7 WHEREAS, the report found that "there is insufficient data
8 to assess the social and financial impacts of mandating
9 insurance coverage. Individuals diagnosed with cancer, who may
10 want to preserve their reproductive ability, must seek the
11 service on their own and bear the full costs, which could be
12 upwards of \$10,000. . . .[B]ut we conclude that the number of
13 people generally utilizing the procedures is unknown and the
14 level of public demand is low"; and

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16 WHEREAS, since that time, more fertility preservation
17 options have been developed and improved and are now recognized
18 as part of the standard of care in oncology treatment; and

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20 WHEREAS, due to significant advances in cancer treatment
21 over the past generation, cancer patients eligible for these
22 treatments, meaning patients ages zero to forty-five, have
23 extremely good chances of survival, often above eighty percent,
24 and therefore deserve mitigation of side effects, such as
25 infertility, that could adversely impact their subsequent
26 quality of life; and

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28 WHEREAS, in recent years, many states, including
29 California, Colorado, Connecticut, Delaware, Illinois, Maryland,
30 New Hampshire, New Jersey, New York, Rhode Island, and Utah,
31 have recognized the need for this coverage and have therefore
32 enacted laws mandating insurance coverage for fertility
33 preservation procedures for cancer patients and others facing
34 potential infertility as a result of medical treatment; and

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36 WHEREAS, now, with experience in other states of various
37 size, geography, and demographics; published, detailed reports
38 from California and Connecticut; and potentially more fertility
39 preservation options available now than were available ten years
40 ago, this body finds that the Auditor should have the data and
41 resources available to evaluate and better assess the social and
42 financial impacts of mandating insurance coverage for fertility



1 preservation procedures for those who have been diagnosed with
2 cancer and whose cancer or cancer treatment may adversely affect
3 their fertility; and

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5 WHEREAS, Senate Bill No. 1446 (2023) would require
6 insurers, mutual benefit societies, and health maintenance
7 organizations to provide coverage for fertility preservation
8 procedures for those who have been diagnosed with cancer or
9 another medical condition or disease and whose cancer or cancer
10 treatment may adversely affect their fertility; and

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12 WHEREAS, pursuant to section 23-51, Hawaii Revised
13 Statutes, before any legislative measure that mandates health
14 insurance coverage for specific health services, specific
15 diseases, or certain providers of health care services as part
16 of individual or group health insurance policies, can be
17 considered, concurrent resolutions shall be passed that
18 designate a specific legislative bill for the Auditor to review
19 and prepare a report for submission to the Legislature that
20 assesses both the social and financial effects of the proposed
21 mandated coverage under that legislative bill; and

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23 WHEREAS, section 23-52, Hawaii Revised Statutes, further
24 specifies the minimum information required for assessing the
25 social and financial impact of the proposed health coverage
26 mandate in the state Auditor's report; now, therefore,

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28 BE IT RESOLVED by the Senate of the Thirty-second
29 Legislature of the State of Hawaii, Regular Session of 2023, the
30 House of Representatives concurring, that the Auditor is
31 requested to assess, in accordance with sections 23-51 and
32 23-52, Hawaii Revised Statutes, the social and financial effects
33 of mandating health insurance coverage for fertility
34 preservation procedures for certain insured persons who have
35 been diagnosed with cancer and whose cancer or cancer treatment
36 may adversely affect the insured person's fertility, as provided
37 in Senate Bill No. 1446 (2023); and

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39 BE IT FURTHER RESOLVED that the Auditor is requested to
40 examine the necessity of extending the mandatory health
41 insurance coverage for fertility preservation procedures for the
42 spouse or partner of an insured person who has been diagnosed



1 with cancer or whose cancer treatment may adversely affect the
2 insured person's fertility, to allow the insured person to have
3 a child in the future, and the social and financial effects of
4 extending the mandatory coverage to such spouses or partners;
5 and
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7 BE IT FURTHER RESOLVED that the Auditor is requested to
8 submit a report of its findings and recommendations, including
9 any proposed legislation, to the Legislature no later than
10 twenty days prior to the convening of the Regular Session of
11 2024; and
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13 BE IT FURTHER RESOLVED that certified copies of this
14 Concurrent Resolution be transmitted to the Auditor and
15 Insurance Commissioner who, in turn, is requested to transmit
16 copies to each organization that issues health insurance
17 policies in the State that may be affected by this Concurrent
18 Resolution.
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OFFERED BY:

A handwritten signature in black ink, appearing to be "S. A. J.", is written over a horizontal line.