
A BILL FOR AN ACT

RELATING TO IN VITRO FERTILIZATION INSURANCE COVERAGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that infertility is a
2 disease of the reproductive system that impairs and
3 substantially limits an individual's major life activity of
4 reproduction. In the United States, infertility affects
5 approximately seven million women and their partners.
6 Approximately 12 per cent of women of childbearing age have used
7 an infertility service. Since 1978, in vitro fertilization has
8 provided a necessary solution for many diagnosed with
9 infertility who desire to have a child and be a parent.

10 The legislature further finds that since 1987, Hawaii has
11 required insurance coverage for the treatment of infertility
12 through in vitro fertilization. The current law only provides
13 for a one-time benefit; applies only to the insured or insured's
14 spouse; requires fertilization with the sperm from the patient's
15 spouse; requires a history of infertility for at least five
16 years; requires previous attempts at pregnancy through other
17 applicable infertility treatments for which coverage is



1 available; and applies only to a limited number of medical
2 conditions associated with infertility.

3 The purpose of this Act is to provide in vitro
4 fertilization insurance coverage for women who are diagnosed
5 with infertility by requiring non-discriminatory coverage and
6 ensuring quality of care in the diagnosis and treatment of
7 infertility.

8 SECTION 2. Section 431:10A-116.5, Hawaii Revised Statutes,
9 is amended by amending subsection (a) to read as follows:

10 "(a) All individual and group accident and health or
11 sickness insurance policies which provide pregnancy-related
12 benefits shall include in addition to any other benefits for
13 treating infertility, a one-time only benefit for all outpatient
14 expenses arising from in vitro fertilization procedures
15 performed on the insured or the insured's dependent spouse;
16 provided that:

17 (1) Benefits under this section shall be provided to the
18 same extent as the benefits provided for other
19 pregnancy-related benefits;

20 (2) The patient is the insured or covered dependent of the
21 insured;



1 ~~[(3) The patient's oocytes are fertilized with the~~
2 ~~patient's spouse's sperm;~~
3 ~~(4)]~~ (3) The:
4 (A) Patient ~~[and the patient's spouse have]~~ has a
5 history of infertility of at least five years'
6 duration; or
7 (B) Infertility is associated with one or more of the
8 following medical conditions:
9 (i) Endometriosis;
10 (ii) Exposure in utero to diethylstilbestrol,
11 commonly known as DES;
12 (iii) Blockage of, or surgical removal of, one or
13 both fallopian tubes (lateral or bilateral
14 salpingectomy); or
15 (iv) Abnormal male factors contributing to the
16 infertility;
17 ~~[-(5)]~~ (4) The patient has been unable to attain a
18 successful pregnancy through other applicable
19 infertility treatments for which coverage ~~[is]~~ shall
20 be available under the insurance contract~~[+]~~, unless



1 the individual's physician determines that those
2 treatments are likely to be unsuccessful; and
3 [~~(6)~~] (5) The in vitro fertilization procedures are
4 performed at medical facilities that conform to the
5 American College of Obstetricians and Gynecologists
6 guidelines for in vitro fertilization clinics or to
7 the American Society for Reproductive Medicine minimal
8 standards for programs of in vitro fertilization."

9 SECTION 3. Section 432:1-604, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) All individual and group hospital or medical service
12 plan contracts which provide pregnancy-related benefits shall
13 include in addition to any other benefits for treating
14 infertility, a one-time only benefit for all outpatient expenses
15 arising from in vitro fertilization procedures performed on the
16 subscriber or member or the subscriber's or member's dependent
17 spouse; provided that:

18 (1) Benefits under this section shall be provided to the
19 same extent as the benefits provided for other
20 pregnancy-related benefits;



1 (2) The patient is a subscriber or member or covered
2 dependent of the subscriber or member;

3 [~~(3)~~] ~~The patient's oocytes are fertilized with the~~
4 ~~patient's spouse's sperm;~~

5 ~~(4)]~~ (3) The:

6 (A) Patient [~~and the patient's spouse have~~] has a
7 history of infertility of at least five years'
8 duration; or

9 (B) Infertility is associated with one or more of the
10 following medical conditions:

11 (i) Endometriosis;

12 (ii) Exposure in utero to diethylstilbestrol,
13 commonly known as DES;

14 (iii) Blockage of, or surgical removal of, one or
15 both fallopian tubes (lateral or bilateral
16 salpingectomy); or

17 (iv) Abnormal male factors contributing to the
18 infertility;

19 [~~(5)]~~ (4) The patient has been unable to attain a
20 successful pregnancy through other applicable
21 infertility treatments for which coverage [~~is~~] shall



1 be available under the contract[+], unless the
2 individual's physician determines that the treatments
3 are likely to be unsuccessful; and

4 [+6+] (5) The in vitro fertilization procedures are
5 performed at medical facilities that conform to the
6 American College of Obstetricians and Gynecologists
7 guidelines for in vitro fertilization clinics or to
8 the American Society for Reproductive Medicine minimal
9 standards for programs of in vitro fertilization."

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

In Vitro Fertilization Procedure Coverage

Description:

Amends insurance coverage for in vitro fertilization to allow for expanded applicability. (HB864 HD1)

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

