

STAND. COM. REP. NO.

227

Honolulu, Hawaii

FEB 12, 2021

RE: H.B. No. 285  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Health, Human Services, & Homelessness, to which was referred H.B. No. 285 entitled:

"A BILL FOR AN ACT RELATING TO INSURANCE,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit health insurance companies and mutual benefit societies from denying coverage for certain types of treatment on the basis of gender identity if the policy covers those treatments for purposes other than gender transition; and
- (2) Require health insurance companies and mutual benefit societies to provide applicants and insured persons with clear information on the coverage of gender transition services, including the process for appealing a claim denied on the basis of medical necessity.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Hawaii Civil Rights Commission, Malama I Ke Ola Haealth Center, LGBT Caucus of the Democratic Party of Hawaii, HHRC, Kuaana Project, Pride at Work, AF3IRM Hawaii, Planned Parenthood Votes Northwest and Hawaii, Lavender Clinic, and numerous individuals. Your Committee

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received testimony in opposition to this measure from the Hawaii Medical Service Association and one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and Kaiser Permanente Hawaii.

Your Committee finds that health insurance policies often cover gender-conforming treatments, such as feminizing or masculinizing hormone therapies, for other purposes, but deny coverage of these therapies when sought by transgender persons for the purposes of gender affirmation. Your Committee further finds that clarifying the State's anti-discrimination laws regarding health insurance policies will add additional safeguards for transgender individuals.

However, your Committee has heard the concerns raised in testimony that this measure may include a new mandated health insurance requirement. New mandated benefits may increase costs for policyholders, and as such, it is important to first request a report from the Office of the Auditor to assess the additional cost of any proposed mandate, which may be subject to defrayal.

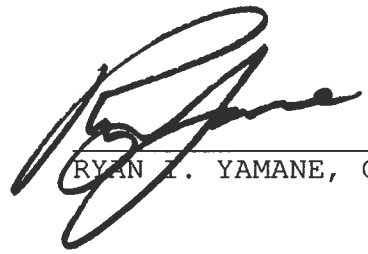
Your Committee has amended this measure by:

- (1) Replacing its contents with provisions that require the Auditor to conduct an impact assessment report pursuant to sections 23-51 and 23-52, Hawaii Revised Statutes, on the social and financial impacts of prohibiting health insurance companies from denying coverage on the basis of gender identity if the policy covers the treatment for purposes other than gender transition;
- (2) Changing the effective date to July 1, 2060, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health, Human Services, & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 285, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 285, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.



Respectfully submitted on  
behalf of the members of the  
Committee on Health, Human  
Services, & Homelessness,



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RYAN I. YAMANE, Chair

State of Hawaii  
House of Representatives  
The Thirty-first Legislature

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**Record of Votes of the Committee on Health, Human Services, & Homelessness**

<b>Bill/Resolution No.:</b> <i>HB 285</i>	<b>Committee Referral:</b> <i>HHH, CFC, JHA</i>	<b>Date:</b> <i>02/19/2021</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HHH Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)	✓			
2. TAM, Adrian K. (VC)	✓			
3. GATES, Cedric Asuega	✓			
4. HAR, Sharon E.	✓			
5. KAPELA, Jeanne	✓			
6. LoPRESTI, Matthew S.				✓
7. NISHIMOTO, Scott Y.	✓			
8. WARD, Gene	✓			
<b>TOTAL (8)</b>	<i>7</i>			<i>1</i>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
<b>Vice Chair's or designee's signature:</b> <i>Adrian</i> _____				
<b>Distribution:</b> Original (White) – Committee          Duplicate (Yellow) – Chief Clerk's Office          Duplicate (Pink) – HMSO				