

Honolulu, Hawaii

APR 04 2016

RE: H.B. No. 2084  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 2084, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO INSURANCE,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit all insurers in the State, including health insurers, mutual benefit societies, health maintenance organizations, and health benefits plans under chapter 87A, Hawaii Revised Statutes, from discriminating with respect to participation and coverage under a policy, contract, plan, or agreement against any person on the basis of a person's actual gender identity or perceived gender identity.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, American Civil Liberties Union of Hawai'i, Equality Hawai'i, Hawaii Medical Service Association, Human Rights Campaign, LGBT Caucus of the Democratic Party of Hawai'i, and nine individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that many health insurance plans and policies include some form of transgender-specific exclusions. As a result, transgender individuals may be excluded from health care coverage based on actual gender identity or perceived gender identity, rather than because of lack of medical necessity of



treatment. While discriminatory exclusions in health insurance policies can impact transition-related services, these exclusions may also prevent transgender individuals from obtaining common wellness care treatment. Discrimination against the transgender community can have profound effects on the health care system as a whole, including increased emergency room visits, hospital admissions, and long term care needs that result from delayed or denied treatment for transgender individuals.

Your Committee further finds that ten jurisdictions, including the District of Columbia, have laws and policies protecting against discriminatory exclusions and denials of treatment based on gender identity, in at least some circumstances. The federal government is also currently acting to address the issue of discriminatory exclusions in health insurance plans. Implementation of this measure will enable Hawaii to follow this national trend by prohibiting discrimination in health care coverage, services, and treatment on the basis of actual gender identity or perceived gender identity.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2084, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

  
GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>HB 2084 HD2 SD1</b>	Committee Referral: <b>CPH, JDL</b>	Date: <b>3/29/16</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike				/
KAHELE, Kaiali'i	/			
KIM, Donna Mercado				/
THIELEN, Laura H.	/			
SLOM, Sam				/
<b>TOTAL</b>	<b>4</b>			<b>3</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:right; margin-top: 10px;"> </div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes