

STAND. COM. REP. NO. 1318

Honolulu, Hawaii

MAR 30 2021

RE: S.C.R. No. 161
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.C.R. No. 161 entitled:

"SENATE CONCURRENT RESOLUTION SUPPORTING AND URGING THE INCLUSION OF GENDER TRANSITION TREATMENTS AND SERVICES AS MEDICALLY NECESSARY FOR THE PURPOSES OF HEALTH CARE INSURANCE COVERAGE,"

begs leave to report as follows:

The purpose and intent of this measure is to support and urge the inclusion of gender transition treatments and services as medically necessary for the purposes of health care insurance coverage.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, LGBT Caucus of the Democratic Party of Hawai'i, Hawaii Health & Harm Reduction Center, Planned Parenthood Votes Northwest and Hawaii, AF3IRM Hawai'i, University of Hawai'i at Manoa, Rainbow Family 808, The Trevor Project, ACLU Hawai'i, and seventeen individuals.

Your Committee finds that, despite legislation enacted in 2016 that prohibits health insurance discrimination in participation or coverage under a policy against any person on the basis of the person's actual or perceived gender identity, numerous complaints have revealed that health insurance providers are not complying with the law, leaving many patients in a state



of uncertainty about their rights and how to receive the medically necessary care to which they are entitled, which can in turn put lives and mental health at great risk. This measure acknowledges the medical necessity of transition-related treatment and services and provides guidance to health insurance providers to support increased access to care and services.

Your Committee notes the concerns raised in testimony that amendments to this measure are needed to require the Auditor to perform a social and financial assessment of newly mandated health insurance coverage, as required by law. These amendments would further support the goals of this measure and ensure that gender transition treatments be considered medically necessary for Hawaii's transgender community and covered by their health insurance policies.

Accordingly, your Committee has amended this measure by:

- (1) Updating the measure's title to reflect its amended purpose;
- (2) Inserting language requesting the Auditor to assess the social and financial effects of requiring health insurers to provide coverage for certain health care services related to gender transition treatments, as identified in S.B. No. 752, Regular Session of 2021;
- (3) Inserting language requesting the Auditor to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature, no later than twenty days prior to the convening of the Regular Session of 2022;
- (4) Updating the parties entitled to receive certified copies of this measure; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee concurs with the intent and purpose of



S.C.R. No. 161, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 161, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,




ROSALYN H. BAKER, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

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|--|---------------------|------------|-----|---------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| SCR 161 | CPN | 03.25.2021 | | |
| <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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| BAKER, Rosalyn H. (C) | / | | | |
| CHANG, Stanley (VC) | / | | | |
| MISALUCHA, Bennette E. | / | | | |
| NISHIHARA, Clarence K. | / | | | |
| RIVIERE, Gil | / | | | |
| SAN BUENAVENTURA, Joy A. | / | | | |
| FEVELLA, Kurt | | | | / |
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| TOTAL | 6 | - | - | 1 |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature:  | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes