



GOV. MSG. NO. 1147

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

April 23, 2013

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 23, 2013, the following bill was signed into law:

SB423

RELATING TO IN VITRO FERTILIZATION
INSURANCE COVERAGE
ACT 047 (13)

Aloha
Signed,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

JAN 18 2013

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

3 "(a) All individual and group accident and health or
4 sickness insurance policies which provide pregnancy-related
5 benefits shall include in addition to any other benefits for
6 treating infertility, a one-time only benefit for all outpatient
7 expenses arising from in vitro fertilization procedures
8 performed on the insured or the insured's dependent spouse;
9 provided that:

10 (1) Benefits under this section shall be provided to the
11 same extent as the benefits provided for other
12 pregnancy-related benefits;

13 (2) The patient is the insured or covered dependent of the
14 insured;

15 (3) The patient's oocytes are fertilized with the
16 patient's spouse's sperm;

17 (4) The:



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



1 Reproductive Medicine minimal standards for programs
2 of in vitro fertilization."

3 SECTION 2. Section 432:1-604, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

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

12 (1) Benefits under this section shall be provided to the
13 same extent as the benefits provided for other
14 pregnancy-related benefits;

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

17 (3) The patient's oocytes are fertilized with the
18 patient's spouse's sperm;

19 (4) The:

20 (A) Patient and the patient's spouse have a history
21 of infertility of at least five years' duration;

22 or



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- 1 (B) Infertility is associated with one or more of the
2 following medical conditions:
- 3 (i) Endometriosis;
- 4 (ii) Exposure in utero to diethylstilbestrol,
5 commonly known as DES;
- 6 (iii) Blockage of, or surgical removal of, one or
7 both fallopian tubes (lateral or bilateral
8 salpingectomy); or
- 9 (iv) Abnormal male factors contributing to the
10 infertility;
- 11 (5) The patient has been unable to attain a successful
12 pregnancy through other applicable infertility
13 treatments for which coverage is available under the
14 contract; and
- 15 (6) The in vitro fertilization procedures are performed at
16 medical facilities that conform to the American
17 College of [~~Obstetric and Gynecology~~] Obstetricians
18 and Gynecologists guidelines for in vitro
19 fertilization clinics or to the American Society for
20 Reproductive Medicine minimal standards for programs
21 of in vitro fertilization."



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1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.
4

APPROVED this 23 day of APR , 2013



GOVERNOR OF THE STATE OF HAWAII