

JAN 23 2015

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, and
6 approximately twelve per cent of women of childbearing age have
7 used an infertility service. Since 1978, in vitro fertilization
8 has 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 equality for women who are
5 diagnosed with infertility by requiring non-discriminatory
6 coverage and ensuring quality of care in the diagnosis and
7 treatment of infertility. It is the intent of the legislature
8 to exempt religious institutions and organizations that believe
9 the covered procedures violate their religious and moral
10 teachings and beliefs.

11 SECTION 2. Section 431:10A-116.5, Hawaii Revised Statutes,
12 is amended by amending subsections (a) and (b) to read as
13 follows:

14 "(a) All individual and group accident and health or
15 sickness insurance policies which provide pregnancy-related
16 benefits shall include in addition to any other benefits for
17 treating infertility, a [~~one-time-only~~] lifetime benefit of
18 three in vitro fertilization cycles or a live birth for all
19 outpatient expenses arising from in vitro fertilization
20 procedures performed on the insured or the insured's dependent
21 [~~spouse~~]; provided that:



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

4 (2) The patient is the insured or covered dependent of the
5 insured;

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

8 ~~(4) The:]~~

9 (3) (A) ~~[Patient and the patient's spouse have]~~ The
10 patient has a history of infertility of [at least
11 five years' duration; or] one year if thirty-five
12 years of age or younger or six months if thirty-
13 six years of age or older; and

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

16 (i) Endometriosis;

17 (ii) ~~[Exposure in utero to diethylstilbestrol,~~
18 ~~commonly known as DES,]~~ Uterine factor;

19 (iii) ~~[Blockage of, or surgical removal of, one or~~
20 ~~both fallopian tubes (lateral or bilateral~~
21 ~~salpingectomy); or] Tubal factor;~~



- 1 (iv) [~~Abnormal male factors contributing to the~~
- 2 ~~infertility;~~] Male factor;
- 3 (v) Ovulatory dysfunction; or
- 4 (vi) Diminished ovarian reserve;

5 [-5] (4) The patient has been unable to attain a
 6 successful pregnancy through other applicable
 7 infertility treatments for which coverage [~~is~~] shall
 8 be available under the insurance contract[+], unless
 9 the individual's physician determines that those
 10 treatments are likely to be unsuccessful; and

11 [-6] (5) The in vitro fertilization procedures are
 12 performed at medical facilities that conform to the
 13 American College of Obstetricians and Gynecologists
 14 guidelines for in vitro fertilization clinics or to
 15 the American Society for Reproductive Medicine minimal
 16 standards for programs of in vitro fertilization.

17 (b) For the purposes of this section, the term [~~"spouse"~~
 18 ~~means a person who is lawfully married to the patient under the~~
 19 ~~laws of the State.~~] "infertility" means a disease, defined by
 20 the failure to achieve a successful pregnancy after twelve
 21 months or more of appropriate, timed unprotected intercourse or



1 therapeutic donor insemination for women thirty-five years of
2 age or younger or after six months or more, for women over
3 thirty-five years of age."

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

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

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

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

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

21 ~~(4) The:]~~



1 (3) (A) [~~Patient and the patient's spouse have~~] The
2 patient has a history of infertility of [at least
3 five years' duration, or] one year if thirty-five
4 years of age or younger or six months if thirty-
5 six years of age or older; and

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

8 (i) Endometriosis;

9 (ii) [~~Exposure in utero to diethylstilbestrol,~~
10 ~~commonly known as DES,~~] Uterine factor;

11 (iii) [~~Blockage of, or surgical removal of, one or~~
12 ~~both fallopian tubes (lateral or bilateral~~
13 ~~salpingectomy); or] Tubal factor;~~

14 (iv) [~~Abnormal male factors contributing to the~~
15 ~~infertility,~~] Male factor;

16 (v) Ovulatory dysfunction; or

17 (vi) Diminished ovarian reserve;

18 [~~5~~] (4) The patient has been unable to attain a
19 successful pregnancy through other applicable
20 infertility treatments for which coverage [~~is~~] shall
21 be available under the contract [], unless the



1 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 (b) For the purposes of this section, the term [~~"spouse"~~
10 ~~means a person who is lawfully married to the patient under the~~
11 ~~laws of the State.~~] "infertility" means a disease, defined by
12 the failure to achieve a successful pregnancy after twelve
13 months or more of appropriate, timed unprotected intercourse or
14 therapeutic donor insemination for women thirty-five years or
15 younger or after six months or more, for women over thirty-five
16 years."

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.




S.B. NO. 789

1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY: _____

A handwritten signature in black ink, appearing to read "Smith", is written over a horizontal line.

S.B. NO. 789

Report Title:

In Vitro Fertilization Procedure Coverage; Infertility
Disability

Description:

Provides insurance coverage equality for women who are diagnosed with infertility by making available to them expanded treatment options, ensuring adequate and affordable health care services.

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

