



**ACOG**  
The American College of  
Obstetricians and Gynecologists

*American College of  
Obstetricians and Gynecologists  
District VIII, Hawai'i (Guam & American  
Samoa) Section*

TO: House Committee on Consumer Protection & Commerce  
Representative Roy M. Takumi, Chair  
Representative Linda Ichiyama, Vice Chair

DATE: Wednesday, February 14, 2018, 2:00 PM  
PLACE: Conference Room 329

FROM: Hawai'i Section, ACOG  
Dr. Greigh Hirata, MD, FACOG, Chair  
Dr. Chrystie Fujimoto, MD, FACOG, Vice-Chair  
Dr. Reni Soon, MD, MPH, FACOG, Legislative Chair  
Lauren Zirbel, Community and Government Relations

**Re: HB 2524\_HD1 – Relating to In Vitro Fertilization Insurance Coverage**  
**Position: SUPPORT**

The Hawai'i Section of the American College of Obstetricians and Gynecologists (HI ACOG) supports HB2524, which would establish an in vitro fertilization (IVF) study group working towards ensuring all state residents' equitable access to insurance coverage for IVF. As a section of the Nation's leading group of physicians dedicated to improving health care for women, HI ACOG represents more than 200 obstetrician/gynecologist physicians in our state.

HB 2524 is a reproductive justice measure in that it seeks to address the lack of access and/or unequal access to infertility treatment. In this case, insurance coverage discriminates against and essentially restricts a person's reproduction based on their sex, sexual orientation, and/or marital status. This kind of discrimination simply has no place in Hawai'i law.

Thank you for the opportunity to testify in support of HB 2524.



February 13, 2018

Representative Roy Takumi, Chair  
House Committee on Consumer Protection and Commerce

**Re: H.B. 2524, H.D.1 Relating to In Vitro Fertilization Insurance Coverage**

**Hearing: February 14, 2018, 2:00 pm Room 329**

Dear Chair Takumi and Members of the Committee on Consumer Protection & Commerce:

Hawaii Women Lawyers submits testimony in **support of H.B. 2524, H.D.1, with amendments**. This measure establishes the In Vitro Fertilization Insurance Coverage Study Group to examine health insurance policies and current statutes and to make policy recommendations to the Legislature prior to the convening of the 2019 legislative session.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

Hawaii Women Lawyers supports this measure because it is a step towards removing discriminatory requirements for mandatory insurance coverage of in vitro fertilization procedures to create parity of coverage for same-sex couples, unmarried women, and male-female couples for whom male infertility is the relevant factor. Coverage for IVF treatment is an important benefit to many people, because IVF services are very expensive and can burden families in a significant way. We believe equal coverage for same sex couples and unmarried women is important to bringing parity and fair treatment in reproductive health policy.

We would recommend amending this bill to include community advocates in this working group to make sure that the interests of those who would benefit from this measure are represented. The current version of this measure includes only insurance companies and government agencies. We believe it is equally important to have advocates from the community included in this task force.

For these reasons, we support H.B. 2524, H.D.1 with the amendment described above and respectfully request that the Committee pass this measure. Thank you for the opportunity to submit testimony on this bill.



Testimony of  
John M. Kirimitsu  
Legal & Government Relations Consultant

Before:  
House Committee on Consumer Protection & Commerce  
The Honorable Roy M. Takumi, Chair  
The Honorable Linda Ichiyama, Vice Chair

February 14, 2018  
2:00 pm  
Conference Room 329

**Re: HB 2524 HD1, Relating to In Vitro Fertilization Insurance Coverage**

Chair, Vice Chair, and committee members, thank you for this opportunity to provide testimony on this measure creating the In Vitro Fertilization Insurance Coverage Study Group to investigate equal access to in vitro fertilization insurance services.

**Kaiser Permanente Hawaii supports this bill, as amended.**

Kaiser Permanente supports this bill, as amended, to create the In Vitro Fertilization Study Group to investigate equitable access to insurance coverage for in vitro fertilization. Since the original draft of this bill applied the in vitro fertilization benefit to include “surrogate of the insured or of the insured's dependent spouse”, the study group will also need to collaborate with the Attorney General to address the complex legal issues surrounding surrogacy. In its *Surrogacy and Gestational Carrier Report*, submitted in response to House Concurrent Resolution No. 56, SD1 (2017), the Attorney General recommended a two-year working group “to consider whether to amend Hawai’i laws to include regulation and protection of rights of all parties involved in surrogacy arrangements and, if so, the best way to do so.” A copy of the Attorney General’s report can be found at <https://ag.hawaii.gov/wp-content/uploads/2017/12/2018-Report-on-Surrogacy-and-Gestational-Carrier-Agreements.pdf>

To be consistent with the Attorney General’s recommendation, Kaiser Permanente recommends a similar two-year study group.

Thank you for the opportunity to comment.

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An Independent Licensee of the Blue Cross and Blue Shield Association

February 14, 2018

The Honorable Roy M. Takumi, Chair  
The Honorable Linda Ichiyama, Vice Chair  
House Committee on Consumer Affairs and Commerce

Re: HB 2524, HD1– Relating to Insurance

Dear Chair Takumi, Vice Chair Ichiyama, and Committee Members:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to provide comments on HB 2524, HD1, which establishes the In Vitro Fertilization Insurance Coverage Study Group to examine health insurance policies and current statutes and to make policy recommendations to the Legislature prior to the convening of the 2019 legislative session.

We support the intent of this measure to review the existing in vitro fertilization (IVF) statute to evaluate whether there are existing issues that prevent access to IVF benefits in our state. We also note the State Attorney General's report to the legislature that resulted from passage of HCR 56 (Report on Surrogacy and Gestational Carrier Agreements) that recommended updating the Uniform Parentage Act to address the issue of surrogacy and convening a two-year working group to examine any proposed update and related issues.

Thank you for allowing us to share our concerns on HB 2524, HD1.

Sincerely,

Jennifer Diesman  
Senior Vice-President-Government Relations

To: Hawaii State House of Representatives Committee on Consumer Protection and  
Commerce  
Hearing Date/Time: Wednesday, Feb. 14, 2018, 2:00 p.m.  
Place: Hawaii State Capitol, Rm. 329  
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in support of H.B.  
2524, HD1, with amendments

Dear Chair Takumi and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in support of H.B. 2524, HD1, which seeks to establish an in vitro fertilization insurance (“IVF”) coverage study group to make recommendations for ensuring all state residents' equitable access to insurance coverage for in vitro fertilization and investigate the discrepancy in access to in vitro fertilization services for individuals and couples based on marital status, sexual orientation, and gender identity.

However, we are concerned about the study group’s lack of representation from community advocates and respectfully **request that the bill be amended to include representation from community groups that seek to advance women’s rights and LGBT rights.**

H.B. 2524 is a reproductive justice measure in that it seeks to address the lack of access and/or unequal access to infertility treatment. In this case, insurance coverage discriminates against and essentially restricts a person’s reproduction based on their sex, sexual orientation and/or marital status. This kind of discrimination simply has no place in Hawaii law.

Thank you for this opportunity to testify in support of H.B. 2524, HD1, with amendments.

Sincerely,  
Laurie Field  
Hawaii Legislative Director and Public Affairs Manager

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**Hawaii State Legislature H.B. 2524 and S.B. 2633 relating to in vitro fertilization insurance coverage:**

*Statement by Amnesty International Hawai'i Chapter #449*

The Hawaii state legislature is considering bills (H.B. 2524 and S.B. 2633) that aim to ensure insurance coverage for “same-sex couples, unmarried women, and male-female couples affected by male infertility” seeking in vitro fertilization. Current Hawaii law only mandates health insurance coverage of in vitro fertilization for “male-female married couples” affected by female infertility. These proposed bills would revise Hawaii statutes “to ensure equal access to in vitro fertilization for all couples” and would prevent the “unequal treatment of individuals seeking medical fertility assistance...on the basis of sex, sexual orientation, and marital status.”

Amnesty International USA’s holds that all people, regardless of their sexual orientation or gender identity, should be able to enjoy the full range of human rights, without exception. The UN International Conference on Population and Development affirmed that “nobody should be deprived of health care information on the basis of who they are or what they can afford.” The introduced bills find that same-sex couples and unmarried women usually must bare the \$10,000-\$15,000 cost of in vitro fertilization due to the discriminatory nature of the current law. Amnesty International Hawaii Chapter #449 believes that any insurance benefits that are “available for a married couple of the opposite sex” should also be “available for same-sex couples and for women regardless of their marital status.”

The Hawaii state legislature's proposed bills would guarantee the rights of certain types of families who desire to have children. H.B. 2524 and S.B. 2633, which would help same-sex couples, single and unmarried women, and male-female couples that are affected by male infertility access in vitro fertilization as a viable family planning option, are welcomed by Amnesty International USA. However, Amnesty International Hawaii Chapter #449 is concerned that H.B. 2524 and S.B. 2633 may pose a threat to the rights of transgender or genderqueer individuals, as well as straight, cisgender and single men. The proposed bills have no indication of protecting the categories of gender or gender identity which could allow transgender or genderqueer people to be discriminated against when seeking insurance covered in vitro fertilization services. Although the proposed bills seek to protect single women, men who are not married would be offered no legally mandated insurance coverage if they were to seek in vitro fertilization.

The Hawaii state legislature should work to change laws and policies so that all families, no matter their sex, sexual orientation, gender, gender identity, or marital status, are able to receive equal protection when seeking in vitro fertilization insurance coverage. The bills should include specific provisions to guarantee the rights of individuals, no matter their gender or gender identity, who are seeking in vitro fertilization insurance coverage.

**HB-2524-HD-1**

Submitted on: 2/13/2018 1:37:13 PM

Testimony for CPC on 2/14/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	OCC Legislative Priorities Committee of the Democratic Party of Hawaii	Support	No

Comments:

**HB-2524-HD-1**

Submitted on: 2/13/2018 3:36:49 PM

Testimony for CPC on 2/14/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laulani Teale	Individual	Support	No

Comments:





**LATE**

**COMMITTEE ON CONSUMER PROTECTION & COMMERCE**  
Rep. Roy M. Takumi, Chair  
Rep. Linda Ichiyama, Vice Chair

**DATE: Wednesday, February 14, 2018**  
**TIME: 2:00 P.M.**  
**PLACE: Conference Room 329**

**SUPPORT FOR HB2524 HD1**

**Aloha Chair Takumi, Vice Chair Ichiyama and members,**

As stated in the bill, Hawaii's insurance companies fail to cover this benefit for any except married women with opposite sex husbands. The Coalition supported bills to address this inequity in the last Session.

With modern IVF technology available to loving people who want to be parents but otherwise could not, it seems unjust to allow this discriminatory practice to continue. We believe that modern families require modern insurance coverage and deserve nothing less.

A study group seems proper, as it is our understanding that Hawaii lacks surrogacy law that would be necessary for LGTBQ men in particular. So we would expect that a study group would result in recommendations concerning changes to the law.

We also recommend that such a study group include some community members from LGTBQ and/or nonprofits such as Planned Parenthood. We feel that such a group would be better balanced and informed with such representation.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai'i Women's Coalition  
Contact: [annsfreed@gmail.com](mailto:annsfreed@gmail.com) Phone: 808-623-5676



## Hawai'i LGBT Legal Association

February 14, 2018

TO: House Committee on Consumer Protection & Commerce

FROM: Hawai'i LGBT Legal Association

RE: **Opposition to HB 2524 HD1**

Chair Takumi, Vice-Chair Ichiyama, and committee members:

The Hawai'i LGBT Legal Association ("HLLA") is a voluntary professional organization of Hawai'i lawyers, legal workers and law students dedicated to the fair and just treatment of the LGBT community. **HLLA opposes HB 2524 HD1.**

**HLLA prefers the original bill and urges the committee to pass an HD2 that restores the bill to its original form.** The original bill picked up where SB 502 SD1 HD1 left off last year. SB 502 was Women's Legislative Coalition package bill, in which HLLA attorneys and Hawai'i Women's Coalition members had substantive input. It was supported by the Hawai'i Civil Rights Commission, the Hawai'i State Commission on the Status of Women, the ACLU of Hawaii, Hawai'i Women Lawyers, Planned Parenthood Votes Northwest & Hawaii, the Democratic Party of Hawai'i, Lambda Law Student Association and numerous other community groups, fertility clinics, and individuals.

HB 2524, as originally conceived, proposed amendments to Hawaii's IVF insurance mandate to ensure that all couples who are unable to have children without the assistance of IVF are afforded the same access to IVF insurance. Currently, the mandate only applies to women who are married to men. HLLA believes that the mandate, as written, is discriminatory on its face and should be amended to avoid unequal treatment of same-sex couples, including male-male couples.

With broad community support, the record from seven different committee hearings, and over a year to vet the bill, HLLA does not feel there is really a need for further study.

**However, if the committee intends to proceed with the current proposal of forming a study group, HLLA has two requests:**

- 1) That the study group include a representative from HLLA and a representative from an IVF clinic; and

- 2) That the study group be specifically charged with recommending amendments to the IVF mandate statutes to extend equal coverage benefits to same sex couples.

Thank you for the opportunity to testify.

Sincerely,

Sean Taylor, Board Member  
Hawai'i LGBT Legal Association