

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 1043  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1043, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH CARE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require health insurers, mutual benefit societies, and health maintenance organizations to provide coverage for a comprehensive category of reproductive health services, drugs, devices, products, and procedures; and
- (2) Prohibit discrimination in the provision of reproductive health care services.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women; AAUW of Hawaii; Save Medicaid of Hawaii; Planned Parenthood; LGBT Caucus of the Democratic Party of Hawaii; Planned Parenthood of the Great Northwest and Hawaiian Islands; Bayer US; Planned Parenthood Votes Northwest and Hawaii; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Hawaii Section of the American College of Obstetricians and Gynecologists; We Are One, Inc.; ACLU of Hawaii; Hawaii Women's Coalition; and eight individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received



comments on this measure from the Department of Commerce and Consumer Affairs, Hawaii Primary Care Association, Kaiser Permanente Hawaii, and Hawaii Medical Service Association.

Your Committee finds that the Affordable Care Act includes preventative service coverage requirements for sexual and reproductive health care. Your Committee further finds that access to no-copay preventative services such as birth control, well-woman exams, and cancer screenings are important to public health in the State. This measure will conform state law to the requirements of the Affordable Care Act.

Your Committee acknowledges that your Committee on Commerce, Consumer Protection, and Health has made considerable efforts to move this complicated measure forward. Your Committee is concerned, however, that the reference to chapter 481, Hawaii Revised Statutes, for penalty and remedy purposes, as specified for each proposed revision to chapter 431, parts I and II; chapter 432; chapter 432D; and chapter 346, Hawaii Revised Statutes, should be more closely examined by stakeholders and future committees during the legislative process, and revised if appropriate. Your Committee also has concerns about the structure of the effective date included in this measure.

Your Committee additionally notes that the mandatory health care coverage established by this measure may trigger sunrise review requirements pursuant to section 23-51, Hawaii Revised Statutes.

Accordingly, your Committee has amended this measure by:

- (1) Changing the effective date to March 15, 2094, to encourage further discussion; and
- (2) 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1043, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1043, S.D. 2.



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

*Karl Rhoads*

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KARL RHOADS, Chair



