

STAND. COM. REP. NO. 2940

Honolulu, Hawaii

FEB 27 2020

RE: S.B. No. 2439
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 2439 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require insurers, mutual benefit societies, and health maintenance organizations to provide coverage for the cost of auto-injectable epinephrine for insured persons eighteen years of age or younger, beginning January 1, 2021.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Department of the Attorney General, Department of Commerce and Consumer Affairs, Hawaii Employer-Union Health Benefits Trust Fund Board of Trustees, and the Hawaii Medical Service Association.

Your Committee finds that epinephrine is necessary to prevent deadly anaphylaxis. Pharmaceutical companies have dramatically increased the prices for lifesaving auto-injectable epinephrine in the past, jeopardizing access to this critical drug. This measure requires health insurers to provide coverage for the cost of auto-injectable epinephrine to ensure minors have increased access to it, if necessary.



Your Committee has heard the concerns raised in testimony of the Department of the Attorney General that this measure may be considered an additional mandated benefit that would require an impact assessment report. Your Committee notes that this measure is of urgent significance to a substantial sector of the population and is necessary to help ensure that minors have access to lifesaving medication. No solutions or tailored language has been offered to help provide respite from procedures that create barriers to urgently needed care and supplies, and your Committee accordingly finds that it is unreasonable to expect persons in need to jump through multiple hoops in order to get urgent legislation passed. Your Committee therefore finds that this measure addresses a substantial public health care concern that warrants immediate redress pursuant to this measure.

Your Committee has further heard the concerns that this measure, as written, may result in health plans providing coverage for a dosage form that is meant for a teenager (e.g. a child over sixty-six pounds), but denying coverage for those dosage forms that apply to younger children that weigh less than sixty-six pounds. Therefore, amendments to this measure are necessary to ensure coverage for all insureds under eighteen years of age.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that insurers, mutual benefit societies, and health maintenance organizations shall be required to provide coverage for the cost of auto-injectable epinephrine, based on appropriate weight-based dosage, for insured persons eighteen years of age or younger;
- (2) Clarifying this measure is exempt from the impact assessment report required by section 23-51, Hawaii Revised Statutes; and
- (3) Making conforming technical amendments for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2439, as amended herein, and



recommends that it pass Second Reading in the form attached hereto as S.B. No. 2439, S.D. 1, and be placed on the calendar for Third Reading.

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



ROSALYN H. BAKER, Chair



