
SENATE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL
EFFECTS OF MANDATING HEALTH INSURANCE COVERAGE FOR OOCYTE
CRYOPRESERVATION.

1 WHEREAS, women who undergo certain procedures such as
2 chemotherapy and surgery, or who are at risk of premature
3 ovarian failure or ovarian disease, have a high risk of
4 infertility; and

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6 WHEREAS, health insurers are currently not required to
7 cover procedures for oocyte cryopreservation, or egg freezing;
8 and

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10 WHEREAS, S.B. No. 2917, S.D. 2, introduced during the
11 Regular Session of 2022, requires health insurers, mutual
12 benefit societies, and health maintenance organizations that
13 provide coverage for health care to provide coverage for oocyte
14 cryopreservation procedures; and

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16 WHEREAS, pursuant to section 23-51, Hawaii Revised
17 Statutes, before any legislative measure that mandates health
18 insurance coverage for specific health services, specific
19 diseases, or certain providers of health care services as part
20 of individual or group health insurance policies, can be
21 considered, there shall be concurrent resolutions passed that
22 designate a specific legislative bill for the Auditor to review
23 and on which to prepare a report for submission to the
24 Legislature that assesses both the social and financial effects
25 of the proposed mandated coverage, and S.B. No. 2917, S.D. 2,
26 Regular Session of 2022, is such a measure; now, therefore,

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28 BE IT RESOLVED by the Senate of the Thirty-first
29 Legislature of the State of Hawaii, Regular Session of 2022, the
30 House of Representatives concurring, that the Auditor is
31 requested to conduct an assessment, pursuant to sections 23-51



1 and 23-52, Hawaii Revised Statutes, of the social and financial
2 effects of mandating health insurance coverage for oocyte
3 cryopreservation procedures, as proposed in S.B. No. 2917,
4 S.D. 2, which was introduced during the Regular Session of 2022;
5 and
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7 BE IT FURTHER RESOLVED that the Auditor is requested to
8 include in the impact assessment report a survey of other states
9 in the United States that have implemented a mandate for oocyte
10 cryopreservation benefits and to examine what the social and
11 financial impact has been in these states; and
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13 BE IT FURTHER RESOLVED that the Auditor is requested to
14 research what is being used as the standard medical definition
15 of "reproductive age" that is best suited for oocyte
16 cryopreservation procedures and to examine the success rates for
17 the different age groups to determine coverage benefit
18 limitations for this proposed covered benefit, including an
19 examination of whether different standards of infertility
20 treatments are applied to different age groups in need of
21 infertility treatments; and
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23 BE IT FURTHER RESOLVED that the Auditor is requested to
24 research whether any expansion of in vitro fertilization
25 procedures coverage constitutes benefits that are in excess of
26 the essential health benefits, thus requiring the State to
27 defray such costs; and
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29 BE IT FURTHER RESOLVED that the Auditor is requested to
30 examine current medically necessary standards of care used to
31 determine what types of infertility treatment options are
32 available, particularly ones that result in greater cost-
33 effective savings than in vitro fertilization, which may be best
34 suited for individuals in need of infertility procedures, and to
35 examine the existing technology in infertility procedures and
36 possible future technology; and
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38 BE IT FURTHER RESOLVED that the Auditor is requested to
39 research the complex legal issues surrounding the rights and
40 entitlements with respect to the frozen eggs, including contract
41 remedies (for example, cryopreservation contracts) to address



1 the storage and disposition of the cryopreserved material, and
2 to consider the following:

- 3
4 (1) How long should the eggs be preserved;
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6 (2) When and how should the eggs be destroyed;
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8 (3) Whether the eggs may be used for providing instruction
9 in assisted reproduction procedures or other research
10 if the woman decides not to use them;
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12 (4) What will happen to the eggs if the donor dies (for
13 example, if she is married at the time, can her spouse
14 use the eggs with a surrogate to have a baby after the
15 biological mother's death); and
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17 (5) What will happen to the eggs if the donor and her
18 spouse separate; and
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20 BE IT FURTHER RESOLVED that the Auditor is requested to
21 submit a report of its findings and recommendations, including
22 any proposed legislation, to the Legislature no later than
23 twenty days prior to the convening of the Regular Session of
24 2023; and
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26 BE IT FURTHER RESOLVED that certified copies of this
27 Concurrent Resolution be transmitted to the Auditor and
28 Insurance Commissioner.

