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**Testimony of the Department of Commerce and Consumer Affairs**

**Before the  
Senate Committee on Commerce and Consumer Protection  
Thursday, February 3, 2022  
9:30 a.m.  
Via Videoconference**

**On the following measure:  
S.B. 2917, RELATING TO FAMILY PLANNING**

Chair Baker and Members of the Committee:

My name is Colin M. Hayashida, and I am the Insurance Commissioner of the Department of Commerce and Consumer Affairs' (Department) Insurance Division. The Department offers comments on this bill.

The purpose of this bill is to require oocyte cryopreservation to be covered by health insurance policies; remove the one-time benefit limitation for in vitro fertilization; and reduce the number of years of infertility before becoming eligible for in vitro fertilization from five to two years.

We note that it is unclear whether the amendments in sections 2 and 3 of this bill, which would require health plans to provide benefits for oocyte cryopreservation, would be construed as "in addition to the essential health benefits" within the meaning of 45 Code of Federal Regulations (CFR) § 155.170(a) or subject to defrayment provisions under 45 CFR § 155.170(b), which apply to benefits "in addition to the essential health benefits."

For the Committee's information, Hawaii Revised Statutes section 23-51 provides, in part, that "[b]efore any legislative measure that mandates health insurance coverage for specific health services, specific diseases, or certain providers of health care services as part of individual or group health insurance policies, [sic] can be considered, there shall be concurrent resolutions passed requesting the auditor to prepare and submit to the legislature a report[.]"

Thank you for the opportunity to testify on this bill.



January 31, 2022

The Honorable Rosalyn H. Baker, Chair  
The Honorable Stanley Chang, Vice Chair  
Senate Committee on Commerce and Consumer Protection

Re: SB 2917 – Relating to Family Planning

Dear Chair Baker, Vice Chair Chang, and Committee Members:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on SB 2917, which requires oocyte cryopreservation to be covered by health insurance policies. Removes one-time benefit limitation for in vitro fertilization. Reduces the number of years of infertility before becoming eligible for in vitro fertilization from five to two years.

At HMSA we provide in vitro fertilization benefits to our members, including qualifying women over 18 years of age regardless of their marital status. While HMSA appreciates the intent of this measure, we believe that as currently written this bill would create new mandated benefits and would increase costs for our members.

Therefore, we would like to respectfully request that should this bill move forward the State Auditor conduct an impact assessment report first pursuant to Section 23-51 and 23-53 of the Hawaii Revised Statutes.

Thank you for the opportunity to testify on this measure. Your consideration of our comments is appreciated.

Sincerely,

Matthew W. Sasaki  
Assistant Vice President  
Government & External Relations



**LATE**

January 31, 2021

The Honorable Rosalyn H. Baker, Chair  
The Honorable Stanley Chang, Vice Chair  
Senate Committee on Commerce and Consumer Protection

**Senate Bill 2917 – Relating to Family Planning**

Dear Chair Baker, Vice Chair Chang, and Members of the Committee:

The Hawaii Association of Health Plans (HAHP) appreciates the opportunity to provide testimony on SB 2917. HAHP is a statewide partnership of Hawaii’s health plans and affiliated organizations to improve the health of Hawaii’s communities together. The vast majority of Hawaii residents receive their health coverage through a health plan associated with one of our organizations.

HAHP appreciates the intent of this measure and would like to respectfully request that the State Auditor first conduct an impact assessment report pursuant to HRS 23-51 and 23-53. The bill as currently written would create new mandated benefits that would increase costs for our members.

Thank you for allowing us to provide comments on SB 2917.

Sincerely,

HAHP Public Policy Committee

cc: HAHP Board Members

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