

STAND. COM. REP. NO. **1153** -24

Honolulu, Hawaii

MAR 15, 2024

RE: S.B. No. 2605
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Health & Homelessness, to which was referred S.B. No. 2605, S.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to, beginning January 1, 2025, require health insurers, mutual benefit societies, health maintenance organizations, and health benefits plans under the Hawaii Employer-Union Health Benefits Trust Fund to provide health insurance coverage for various sexual and reproductive health care services.

Your Committee received testimony in support of this measure from the Hawaii Medical Service Association; Planned Parenthood Alliance Advocates - Hawai'i; Hawaii Medical Association; American Civil Liberties Union of Hawai'i; Hawai'i State Democratic Women's Caucus; American Association of University Women of Hawaii; Indivisible Hawaii Healthcare Team; Save Medicaid Hawaii; Essential Access Health; Legislative Committee of the Hawaii Academy of Family Physicians; Stonewall Caucus of the Democratic Party of Hawai'i; and numerous individuals. Your Committee received testimony in opposition to this measure from numerous individuals. Your Committee received comments on this measure

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from the Department of Commerce and Consumer Affairs and Hawaii Association of Health Plans.

Your Committee finds that access to sexual and reproductive health care is critical for the health and economic security of the people of Hawaii. Your Committee further finds that while many sexual and reproductive benefits are mandated by the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act), recent lawsuits and certain actions taken by the federal government have threatened or restricted access to these services. Your Committee believes that codifying these services, particularly the cost-sharing requirements mandated by the Affordable Care Act, will ensure Hawaii's residents do not lose access to no-cost preventive services such as birth control, well-person exams, and life-saving cancer screenings.

Your Committee notes that there is concern that statutorily mandating the inclusion of coverage for plans governed by the Prepaid Health Care Act may jeopardize the federal exemption of the Prepaid Health Care Act from the provisions of the federal Employee Retirement Income Security Act of 1974.

Your Committee has amended this measure by:

- (1) Deleting from the required sexual and reproductive health care services:
 - (A) Abortion; and
 - (B) Pre-exposure prophylaxis, post-exposure prophylaxis, and human papillomavirus vaccination;
- (2) Requiring the Insurance Commissioner to submit a report to the Legislature regarding compliance with the mandatory coverage proposed by this measure prior to the Regular Session of 2027;
- (3) Establishing a Reproductive Health Care Working Group to:
 - (A) Examine barriers and gaps for reproductive health care leading to health inequity in the State;



- (B) Identify state laws, rules, or administrative practices that are barriers to the provision of effective reproductive health care; and
- (C) Submit reports to the Legislature before the Regular Sessions of 2025 and 2026;
- (4) Making the health insurance coverage in this measure apply to all plans, policies, contracts, or agreements entered into on or after January 1, 2026;
- (5) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Consumer Protection & Commerce, should it deliberate on this measure, to:

- (1) Review whether any of the sexual and reproductive health care services identified in this measure is not covered by the Hawaii Essential Health Benefits Benchmark Plan that sets the requirements for essential health benefits as required by the Affordable Care Act, Hawaii Medical Service Association's Preferred Provider Plan of 2010, as of January 2014, and the State's existing Prevalent Plan as approved under the requirements of the Prepaid Health Care Act; and
- (2) Inquire into the methods payments are made by the employer of selected plans and identify the processes for individuals to access additional insurance and make payments for services that may not be covered by their employer's offered health care insurance plan.

As affirmed by the record of votes of the members of your Committee on Health & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2605, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2605, S.D. 2, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.



Respectfully submitted on
behalf of the members of the
Committee on Health &
Homelessness,



DELLA AU BELATTI, Chair



