

STAND. COM. REP. NO. **3037**

Honolulu, Hawaii

**MAR 01 2024**

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

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committees on Commerce and Consumer Protection and Ways and Means, to which was referred S.B. No. 2605, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to, beginning January 1, 2025:

- (1) Require health insurers, mutual benefit societies, and health maintenance organizations to provide health insurance coverage for various sexual and reproductive health care services; and
- (2) Apply the health insurance coverage for various sexual and reproductive health care services to health benefits plans under the Hawaii Employer-Union Health Benefits Trust Fund.

Your Committees received testimony in support of this measure from one member of the Hawai'i County Council; Save Medicaid Hawaii; Stonewall Caucus of the Democratic Party of Hawai'i; Rainbow Family 808; Hawaii State Democratic Women's Caucus; Hawai'i Health & Harm Reduction Center; Planned Parent Alliance Advocates - Hawai'i; QueerDoc, PLLC; Hawaii Medical Service Association; the Hawai'i Section of the American College of Obstetricians and Gynecologists; and twenty-eight individuals.



Your Committees received comments on this measure from the Insurance Division of the Department of Commerce and Consumer Affairs, Kaiser Permanente Hawaii, and Hawaii Association of Health Plans.

Your Committees find that Hawaii has long been at the forefront of advancing reproductive rights and advocating for access to affordable and comprehensive sexual and reproductive health care. For example, in 1970, Hawaii became the first state to legalize abortion, three years before that right was determined to be a constitutional right protected nationwide by the United States Supreme Court. While Hawaii has since continued to make great strides in providing and expanding access to sexual and reproductive health care, your Committees find that, over time, these benefits and protections have remained under threat from those who desire to limit or prevent access to them entirely. Therefore, this measure will ensure that health insurance coverage for sexual and reproductive health care services will remain available for all people in Hawaii, protecting each resident's individual freedom to make their own sexual and reproductive health care decisions.

Your Committees note the concerns raised in testimony pertaining to the discrepancies in this measure regarding the definition of "contraceptive supplies" and whether coverage is required for alternative contraceptive supplies when a contraceptive supply covered by a policy is deemed medically inadvisable by the insured's health care provider. Accordingly, amendments to this measure are necessary to address these concerns.

Therefore, your Committees have amended this measure by:

- (1) Amending the definition of "contraceptive supplies" throughout the measure to exclude contraceptive drugs, devices, or products used by the partner of the insured, subscriber, or member;
- (2) Deleting language that would have required a mutual benefit society to cover an alternative contraceptive supply prescribed by a health care provider if a contraceptive supply covered by a policy is deemed



medically inadvisable by the insured's health care provider, to conform with the coverage requirement for individual or group accident and health or sickness insurers, and health maintenance organizations; and

- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2605, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2605, S.D. 2.

Respectfully submitted on behalf of the members of the Committees on Commerce and Consumer Protection and Ways and Means,



DONOVAN M. DELA CRUZ, Chair




JARRETT KEOHOKALOLE, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2605 SDI	HHS, CPN/WAM	3/1/2024		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
		<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
MCKELVEY, Angus L.K.				✓
RICHARDS, III, Herbert M. "Tim"	✓			
AWA, Brenton			✓	
<b>TOTAL</b>	<b>3</b>		<b>1</b>	<b>1</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes

