

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii
Sir:

Your Committee on Health, Human Services, & Homelessness, to which was referred H.B. No. 2405 entitled:
"A BILL FOR AN ACT RELATING TO INSURANCE,"

begs leave to report as follows:

The purpose of this measure is to require health insurers, mutual benefit societies, and health maintenance organizations to provide applicants and health insurance policy holders with clear information on the policy's coverage of gender transition treatments and prohibit health insurers, mutual benefit societies, and health maintenance organizations from discriminating on the basis of gender identity.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Kumukahi Health + Wellness, Northwest Society of Plastic Surgeons, American Society of Plastic Surgeons, Hawai'i Health & Harm Reduction Center, Democratic Party of Hawai'i, The Lavender Clinic, Stonewall Caucus of the Democratic Party of Hawai'i, AF3IRM Hawai'i, Hawai'i Public Health Institute, and nineteen individuals. Your Committee received testimony in opposition to this measure from the Hawaii Medical Service Association. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Hawaii Employer-Union Health Benefits Trust Fund, Kaiser Permanente Hawai'i, and Hawaii Association of Health Plans.

Your Committee finds that many transgender individuals have experienced discriminatory treatment from health insurance providers when seeking coverage for gender-affirming treatments. Your Committee further finds that health insurance policies often cover therapies such as feminizing or masculinizing hormone therapies, voice therapies, chest augmentations or reductions, and genital surgeries for other purposes but deny the same treatments for purposes of gender affirmation.

Your Committee acknowledges the concerns raised in testimony that legislatively mandating all gender-confirming treatments as medically necessary would remove physicians and primary care providers from the gender transition treatment process and believes further discussion on this measure is warranted.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the medical necessity for any treatment shall be based on evidence-based peer-reviewed medical guidance;
- (2) Permitting, rather than mandating, health insurers, mutual benefit societies, and health maintenance organizations to consider gender transition treatments medically necessary if those treatments are otherwise covered for purposes other than gender transition;
- (3) Removing smoking cessation therapies as a health care service related to gender transition;
- (4) Changing the effective date to July 1, 2060, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health, Human Services, & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2405, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2405, 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, Human Services, & Homelessness,

RYAN I. YAMANE, Chair