STAND. COM. REP. NO. 270 -06

Honolulu, Hawaii

Fely 13, 2006

RE: H.B. No. 2058

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 2058 entitled:

"A BILL FOR AN ACT RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE,"

begs leave to report as follows:

The purpose of this bill is to abolish the reproductive rights protection committee and to authorize the Family Court to maintain a resource list of advisors who are knowledgeable in the area of the reproductive rights of incapacitated disabled adults.

Specifically, the bill repeals the committee and replaces it with a list of knowledgeable advisors to assist the Family Court as an ad hoc panel. If requested by the Family Court, the advisors are authorized to give the court advice on petitions for sterilization of incapacitated adults, taking into consideration whether the ward is capable of giving informed assent and the best interest of the ward. The bill also clarifies that an incapacitated ward is entitled to be present at court hearings on sterilization, be represented by an attorney, and cross-examine witnesses, unless the ward is unwilling or unable to participate.

The Judiciary, the State Council on Developmental Disabilities, the Disability and Communication Access Board, and Planned Parenthood of Hawaii testified in support of the bill.

Your Committee finds that, although the reproductive rights protection committee was established in 1986, it has reviewed only

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one petition and it has had no expenditures in nearly a decade. The reproductive rights protection committee has no budget and no staff. Because of its relative inactivity, your Committee finds that it is reasonable to abolish the committee and replace it with a list of expert advisors willing to assist the Family Court as needed.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2058 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

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

DENNIS A. ARAKAKI, Chair

## State of Hawaii House of Representatives The Twenty-third Legislature

## Record of Votes of the Committee on Health

Bill/Resolution No.: HB 2058	Date: 02/09/06			
Committee Referral: HLT, JUD	☐ The committee is reconsidering its previous decision on the measure.			
The recommendation is to: Pass, unamended	Pass, with amendments			
☐ Hold	☐ Recommit			
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. ARAKAKI, Dennis A. (C)				
2. GREEN, Josh, M.D. (VC)				
3. CABANILLA, Rida T.R.				
4. HALE, Heléne H. 5. NISHIMOTO, Scott Y.				
6. SONSON, Alex M.				
7. HALFORD, Chris	<i>_</i>			
TOTAL	6	0	0	1
Vice Chair's or designee's signature:	mittee acronym(	(s)	ort recommendation	1.
<b>Distribution:</b> Original (White) – Committee I	Ouplicate (Yello	w) – Clerk's Office		