STAND. COM. REP. NO. 1563 -06

Honolulu, Hawaii

AR1:17, 2006

RE: S.B. No. 2166

S.D. 2 H.D. 3

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2166, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose of this bill is to allow minors who are living on their own to obtain primary or preventive medical care or services. Specifically, this bill:

- (1) Allows a minor to consent to the provision of medical services if a health care practitioner reasonably believes that:
  - (A) The minor understands the benefits and risks of the services and can communicate a decision:
  - (B) The services are for the minor's benefit; and
  - (C) The minor is not under the care, custody, or control of a parent, custodian, or legal guardian, or obtaining appropriate legal consent is not practical;
- (2) Provides immunity from civil and criminal liability for the health care practitioner who in good faith renders medical services after determining the minor may give

consent, except for damages caused by the practitioner's gross negligence or willful or wanton acts of omissions; and

(3) Provides for confidentiality of a claim for medical services filed with a managed care or health insurance plan upon request of the minor.

Kaiser Permanente Hawaii, Hale Kipa, Inc., Hawaii Family Forum, Hawaii Catholic Conference, Hawaii Primary Care Association, Hawaii Youth Services Network, The Queen's Medical Center, Waikiki Health Center, and concerned individuals supported this bill. Planned Parenthood of Hawaii supported the intent of this measure. Hawaii Right to Life opposed this measure.

Your Committee considers it important for minors, under certain circumstances, to be able to consent to primary or preventive medical care and services, in addition to the medical care and services currently allowed for by law in Hawaii. Your Committee was able to confirm with medical professionals that the term "primary and preventive medical care" is well understood by the medical services community to mean basic health care as generally provided in an outpatient setting.

Your Committee also determined that care or services by nurse aides were not necessary in the context of this measure, and therefore, that the licensed health care practitioners specified in Chapters 453 and 457, Hawaii Revised Statutes (HRS), acting within the scope of their respective licenses, will be sufficient to address the needs envisioned by this measure.

Your Committee was also concerned that requiring a minor not be under "custody," given that term's important and well-recognized legal meaning, could substantially impede this measure's effectiveness.

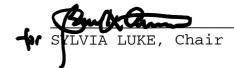
Accordingly, your Committee has amended this bill by, among other things:

(1) Reinstating the definition of "medical care and services" used in S.B. No. 2166, S.D. 2;

- (2) Adding clarifying language describing the nature of relevant care or services to each of the consent contexts for which minors may be able to give consent under Chapter 577A-2, HRS;
- (3) Deleting references to "registered" health care practitioners, because registered nurses are "licensed" under Chapter 457, HRS;
- (4) Requiring that minors under this section not be under a parent's, custodian's, or legal guardian's supervision, instead of custody;
- (5) Changing the effective date to take effect upon approval; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2166, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2166, S.D. 2, H.D. 3.

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



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

## **Record of Votes of the Committee on Judiciary**

Bill/Resolution No.:	Date:	2/- /		
SB 2166 SD2, HD2 (HSCR1153-06)	ب ب	3/30/0	, <b>b</b>	
Committee Referral:	☐ The committee is reconsidering its			
HLT, CPC, JUD	previous decision on the measure.			
The recommendation is to:  Pass, unamended	✓ Pass, with amendments			
☐ Hold	□ Re	ecommit		
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LUKE, Sylvia (C)	$\sqrt{f}$			
2. OSHIRO, Blake K. (VC)				
3. CALDWELL, Kirk				
4. KANOHO, Ezra R.	<b>√</b>			
5. KARAMATSU, Jon Riki				
6. MORITA, Hermina M.				
7. SONSON, Alex M.				
8. SOUKI, Joseph M. 9. MARUMOTO, Barbara C.				
10. THIELEN, Cynthia	<b>V</b>			
70. THEELT, Cynnau				
TOTAL	P	0	0	2
The recommendation is:				
□ Not Adopted				
If joint referral, did not support recommendation.				
committee acronym(s)				
Vin Chairle on designed signed and				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office				