

STAND. COM. REP. NO.

631

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 932  
S.D. 2

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 932, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO INFECTIOUS DISEASE TESTING,"

begs leave to report as follows:

The purpose of this measure is to allow a health care provider to subject a person's body fluids or tissue to a test for the presence of human immunodeficiency virus (HIV) infection after the patient has been given the opportunity to decline the test.

This measure also provides that specific written informed consent for human immunodeficiency virus testing ordered by a health care provider is not required. When a human immunodeficiency virus test ordered by a health care provider has a reactive, indeterminate, or confirmed positive result, the health care provider is required to provide the test results to the patient and offer human immunodeficiency virus post-test counseling.

Your Committee finds that increasing the access to human immunodeficiency virus testing will enable early detection and treatment for infected persons, and consequently, lower the risk of HIV transmission.

Your Committee notes the comments of the American Civil Liberties Union of Hawai'i, concerning the requirement of specific written informed consent for HIV testing on the basis of



compromising patient autonomy in medical decision-making and the constitutional protection of privacy.

In light of the concerns raised, your Committee has amended this measure by changing the effective date to July 1, 2050 to continue discussions in this matter.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 932, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 932, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Government Operations,

  
BRIAN T. TANIGUCHI, Chair

The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

Bill / Resolution No.:* <b>SB932, SD1</b>	Committee Referral: <b>HTH, JGO</b>	Date: <b>2/27/09</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.				✓
SLOM, Sam	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted           <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div>				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: small; margin-top: 5px;"> <span>Original File with Committee Report</span> <span>Yellow Clerk's Office</span> <span>Pink Drafting Agency</span> <span>Goldenrod Committee File Copy</span> </div>				

**\*Only one measure per Record of Votes**