STAND. COM. REP. NO. 1163

Honolulu, Hawaii

APR 0 6 2009

RE: S.C.R. No. 63 S.D. 1

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

Madam:

Your Committee on Health, to which was referred S.C.R. No. 63 entitled:

"SENATE CONCURRENT RESOLUTION URGING ALL HOSPITAL EMERGENCY ROOMS IN THE STATE TO PROVIDE EMERGENCY CONTRACEPTION ON DEMAND TO VICTIMS OF SEXUAL ASSAULT OR RAPE,"

begs leave to report as follows:

The purpose of this measure is to assure that victims of rape and sexual assault receive the fullest and best care available by urging all hospital emergency rooms in the State to adhere to the accepted standard of care for victims of rape and sexual assault, including the administration of emergency contraception without delay and without adding insult to injury by requiring patient transfer to another institution.

This measure further provides that a private nonprofit institution would meet the standard for a religious employer exemption under Hawaii law regarding contraceptives only if:

- (1) The inculcation of religious values is the purpose of the entity;
- (2) The organization primarily employs persons who share its religious beliefs;
- (3) It is not staffed by public employees; and

(4) The entity qualifies as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code.

Your Committee received testimony in support of this measure from the Sex Abuse Treatment Center, Planned Parenthood of Hawaii, Healthy Mothers Healthy Babies, Community Alliance on Prisons, and the Democratic Party of Hawaii. Testimony in opposition to this measure was submitted by the Hawaii Family Forum.

Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that, according to the American College of Obstetricians and Gynecologists, the American Medical Association, and the American College of Emergency Physicians, the accepted standard of care for victims of sexual assault includes the provision of emergency contraception.

Your Committee further finds that requiring all emergency rooms to provide victims of sexual assault with emergency contraception, if desired, is solely a health care issue. Providing for a religious exemption would indicate the State's endorsement of providing some victims of sexual assault with less than standard health care. All victims of sexual assault, regardless of which emergency room they receive care from, should be provided with the same accepted standards of care that include complete and accurate medical information and the option to receive emergency contraception.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the provision of emergency contraception is the accepted standard of care and is accepted as Catholic health care policy as published in *Ethical and Religious Directives for Catholic Health Care Services*, Fourth Edition; and
- (2) Removing the religious exemption.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 63, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 63, S.D. 1.

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

DAVID Y. IGE, Chair

The Senate Twenty-Fifth Legislature State of Hawaii

Record of Votes Committee on Health HTH

Bill / Resolution No.:*	Committee Referral:			Date:	
SCR 63	HTH			3/30/09	
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
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Recommendation: Adopted 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