STAND. COM. REP. NO. 53 Honolulu, Hawaii 7, 2013 LIAN 15 H.B. No. 411 RE: H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 411 entitled:

"A BILL FOR AN ACT RELATING TO HOSPITAL EMERGENCY COMPASSIONATE CARE FOR SEXUAL ASSAULT VICTIMS,"

begs leave to report as follows:

The purpose of this measure is to ensure that victims of sexual assault are provided information about and access to emergency contraception when receiving emergency medical care at Hawaii's hospitals.

The Department of Health, Department of Human Services, City and County of Honolulu Department of the Prosecuting Attorney, Hawaii State Commission on the Status of Women, Hawaii Medical Association, Community Alliance on Prisons, Planned Parenthood of Hawaii, Americans for Democratic Action Hawaii, Hawaii State Democratic Women's Caucus, Family Voices of Hawaii, Hawaii Women Lawyers, The Sex Abuse Treatment Center, Progressive Democrats of Hawaii, Democratic Party of Hawaii Gay Lesbian Bisexual and Transgender Caucus, Hawaii State Coalition Against Domestic Violence, American Civil Liberties Union of Hawaii, Hawaii Women's Coalition, and National Association of Social Workers, Hawaii Chapter, and numerous individuals supported this measure. Kaiser Permanente Hawaii supported this measure with a suggested amendment. St. Francis Healthcare System of Hawaii, Hawaii Catholic Conference, and two individuals opposed this measure. Two individuals submitted written comments.

HB411 HD1 HSCR HLT HMS 2013-1977

STAND. COM. REP. NO. Page 2



Your Committee has amended this measure by:

- (1) Providing clarifying language that requires a hospital to ensure that providers who may prescribe or administer emergency contraception, rather than each person at the hospital who may provide emergency medical care, to be trained to provide a sexual assault victim with medically and factually accurate and unbiased written and oral information about emergency contraception and sexual assault treatment options and access to emergency contraception;
- (2) Amending the definition of "sexual assault" to mean vaginal penetration without the person's consent, by compulsion or strong compulsion, or by sexual intercourse with someone who is mentally incapacitated, as defined in section 707-700, Hawaii Revised Statutes;
- (3) Changing the definition term "sexual assault survivor" to "sexual assault victim";
- (4) Requiring hospitals to offer, rather than provide, emergency contraception to each female assault victim, when medically indicated; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 411, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 411, H.D. 1, and be referred to the Committee on Judiciary.

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

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DELLA AU BELATTI, Chair



State of Hawaii House of Representatives The Twenty-seventh Legislature



Record of Votes of the Committee on Health

Bill/Resolution No.: HB 4	Committee Referral:		Date: 2/8/13		
□ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Image: Pass, unamended (as is) Image: Pass, with amendments (HD) Image: Hold Image: Pass short form bill with HD to recommit for future public hearing (recommit) Image: Pass short form bill with HD to recommit for future public hearing (recommit) Image: Pass short form bill with HD to recommit for future public hearing (recommit)					
HLT Members		yes Ayes (WR) N	lays	Excused
1. BELATTI, Della Au (C)					
2. MORIKAWA, Dee (VC)	V			_	
3. CABANILLA, Rida T.R.	V				
4. CARROLL, Mele					
5. JORDAN, Jo					
6. KOBAYASHI, Bertrand					
7. WOODSON, Justin H.	V				
8. CHEAPE, Lauren Kealohilan	i				
TOTAL (8)	1	t	1		
Che recommendation is: I Adopted Not Adopted If joint referral,					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					