
HOUSE RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT RULES RELATING TO
COUNSELING OF PREGNANT WOMEN WHO HAVE UNDERGONE PRENATAL
TESTING THAT ESTABLISHES OR IS LIKELY TO ESTABLISH A
DIAGNOSIS OF A DISABILITY.

1 WHEREAS, Down syndrome and other disabilities can be
2 prenatally diagnosed through tests such as maternal serum alpha-
3 fetoprotein, human chorionic gonadotropin and unconjugated
4 oestriol, amniocentesis, chorionic villus sampling, and through
5 noninvasive prenatal screening methods; and
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7 WHEREAS, these prenatal tests vary in their ability to
8 accurately diagnose prenatal disabilities; and
9

10 WHEREAS, from 1987 to 1996, three hundred six cases of Down
11 syndrome were reported in Hawaii, forty-three per cent of these
12 cases were prenatally diagnosed, and the pregnancies in eighty-
13 six per cent of those prenatally diagnosed cases were electively
14 terminated; and
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16 WHEREAS, elective termination of pregnancies in prenatally
17 diagnosed cases has resulted in targeted discrimination against
18 not only Down syndrome cases, but other disabilities discovered
19 by various prenatal tests ranging from spina bifida to cleft
20 palate; and
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22 WHEREAS, selectively terminating pregnancies based on the
23 supposed mental or physical capacity of the fetus is a form of
24 discrimination often resulting from misinformation about quality
25 of life concerns and long-term care options; and
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27 WHEREAS, the Department of Health is authorized to adopt
28 rules to ensure that all pregnant women are offered appropriate
29 information and services relating to prenatal screening and
30 diagnosis; and
31



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1 WHEREAS, in many cases, after prenatal screening and
2 diagnosis has been administered, pregnant women do not receive
3 all applicable information on available resources to care for
4 children who are born after being prenataally diagnosed with
5 disabilities; now, therefore,

6
7 BE IT RESOLVED by the House of Representatives of the
8 Twenty-eighth Legislature of the State of Hawaii, Regular
9 Session of 2016, that the Department of Health is requested to
10 adopt rules relating to counseling of pregnant women who have
11 undergone prenatal testing that establishes or is likely to
12 establish a diagnosis of a disability, including but not limited
13 to the following:

- 14
15 (1) Requiring that medical professionals provide each
16 pregnant woman with information on where to obtain
17 support in all cases in which a prenatal test
18 establishes or is likely to establish a diagnosis of
19 Down syndrome or any other disorder amenable to
20 prenatal diagnosis;
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22 (2) Prohibiting persons from purposely performing or
23 inducing or attempting to perform or induce an
24 abortion on a pregnant woman for whom a prenatal test
25 establishes or is likely to establish a diagnosis of
26 Down syndrome or any other disorder amenable to
27 prenatal diagnosis until that person has knowledge
28 that the pregnant woman has received information about
29 prenatal, neonatal, and long-term care resources
30 available in the public and private domains, unless an
31 abortion is necessary to protect the life or health of
32 the pregnant woman;
33
34 (3) Requiring the Department of Health to maintain an
35 updated list of national and local resources focused
36 on care beneficial to the life and well-being of a
37 child born with a mental or physical disability and
38 make this list available to medical professionals; and
39
40 (4) Requiring medical professionals to maintain a record
41 of counseling provided to pregnant women inclusive of
42 the list of resources as provided by the Department of



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Health, which shall be subject to inspection routinely
or as preferred or required by the Department of
Health; and

BE IT FURTHER RESOLVED that certified copies of this
Resolution be transmitted to the Director of Health and the
Executive Director of the Hawaii Medical Association.

OFFERED BY:

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