

STAND. COM. REP. NO.

1524

Honolulu, Hawaii

, 2023

MAR 24

RE: S.B. No. 944

S.D. 1

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health & Homelessness, to which was referred S.B. No. 944, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM PARENTAGE ACT,"

begs leave to report as follows:

The purpose of this measure is to establish a task force to recommend amendments to update existing parentage laws.

Your Committee received testimony in support of this measure from the Stonewall Caucus of the Democratic Party of Hawai'i, Hawaii Women Lawyers, Rainbow Family 808, and nine individuals. Your Committee received testimony in opposition to this measure from Moms for Liberty Honolulu County and numerous individuals. Your Committee received comments on this measure from the Judiciary and four individuals.

Your Committee finds that since the original enactment of the Uniform Parentage Act of 1973, there have been significant changes in society, law, and medical technology. Your Committee further finds that House Bill No. 1096, Regular Session of 2021 (H.B. No. 1096), was originally introduced to address issues of inequitable parentage for LGBTQ+ parents by replacing the word "paternity" with "parentage" in section 584-3.5, Hawaii Revised Statutes. The intent of H.B. 1096 was to allow for the expedited establishment

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of parentage for all unwed parents of any gender identity. However, based upon concerns raised by the Department of the Attorney General and Department of Health that replacing the legal concept of "paternity" with "parentage" may have unintended consequences, particularly with respect to public assistance programs, the Legislature ultimately amended and passed H.B. 1096 as Act 201, Session Laws of Hawaii 2021 (Act 201), which required the Department of Health to convene a task force to address inequitable parentage rights for LGBTQ+ parents.

In its report, the task force noted that the original language of H.B. 1096 would only benefit couples with a partner capable of gestating and delivering a child, excluding a number of family groups. Recognizing this limitation, the task force briefly discussed expanding the scope of the task force to include surrogacy issues. However, because of time constraints, the task force was unable to adequately address these and other issues.

Based on the task force's findings, your Committee finds that reconvening the task force to address parentage issues for adopted children and children born via surrogacy or through the use of other assistive reproductive technology will ensure that any updates to the State's parentage laws will benefit as many families as possible.


Accordingly, your Committee has amended this measure by:

- (1) Requiring the Department of the Attorney General, rather than the Department of Health, to convene the task force;
- (2) Amending the composition of the task force;
- (3) Requiring the task force to submit an interim report to the Legislature no later than twenty days prior to the Regular Session of 2024;
- (4) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Health & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 944, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 944, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

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



DELLA AU BELATTI, Chair



Record of Votes of the Committee on Health & Homelessness

Bill/Resolution No.: SB944, SDI	Committee Referral: HLT, JHA	Date: 3/22/23		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. BELATTI, Della Au (C)	/			
2. TAKENOUCHI, Jenna (VC)	/			
3. AMATO, Terez	/			
4. ILAGAN, Greggor	/			
5. KOBAYASHI, Bertrand	/			
6. MIZUNO, John M.	/			
7. NISHIMOTO, Scott Y.	/			
8. GARCIA, Diamond			/	
TOTAL (8)	7		1	
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				