

STAND. COM. REP. NO. 115

Honolulu, Hawaii

FEB 09 2023

RE: S.B. No. 1167  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1167 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION TO PROTECT INDIVIDUAL REPRODUCTIVE RIGHTS,"

begs leave to report as follows:

The purpose and intent of this measure is to propose a constitutional amendment to protect an individual's reproductive freedom in their most intimate decisions, including the right to abortion and contraceptives.

Your Committee received testimony in support of this measure from the Department of Health, Hawai'i Civil Rights Commission, Americans for Democratic Action Hawai'i, Hawaii Section of the American College of Obstetricians and Gynecologists, Community Alliance on Prisons, Democratic Party of Hawai'i, Hawai'i Friends of Civil Rights, Pride at Work - Hawai'i, Save Medicaid Hawaii, Stonewall Caucus of the Democratic Party of Hawai'i, and forty individuals. Your Committee received testimony in opposition to this measure from the Hawaii Family Forum; Americans United for Life; Roman Catholic Church in the State of Hawaii, Diocese of Honolulu; and thirteen individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that Hawai'i has a long history of recognizing the importance of access to abortion care and



protecting this access is widely supported. While Hawai'i has been a long-time leader in reproductive health care rights, the landscape in the rest of the country is rapidly changing. Since the *Dobbs v. Jackson Women's Health*, 597 U.S. \_\_\_\_\_ (2022), decision by the United States Supreme Court in June 2022 that overturned almost fifty years of a national constitutional right to abortion, several states have passed laws banning or highly restricting access to abortion. Amending the Hawaii State Constitution is the strongest and most lasting way to ensure individual reproductive rights in Hawai'i. This measure will protect access to safe reproductive health care services for women in Hawai'i.

Your Committee has amended this measure by:

- (1) Specifying that no law shall be enacted, nor any state action taken, that denies or interferes with an individual's reproductive freedom in their most intimate decisions, including the fundamental right to abortion and contraceptives; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1167, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1167, S.D. 1, and be referred to your Committee on Ways and Means.

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



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KARL RHOADS, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1167	JDC, WAM	2/3/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended <small>2312</small>				
<input checked="" type="checkbox"/> Pass, with amendments <small>2311</small>				
<input type="checkbox"/> Hold <small>2310</small>				
<input type="checkbox"/> Recommit <small>2313</small>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)			✓	
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton			✓	
<b>TOTAL</b>	3	-	2	-
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes