

ACT 298

H.B. NO. 513

A Bill for an Act Relating to Sterilization of Adult Wards.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 560:5-610, Hawaii Revised Statutes, is amended to read as follows:

“~~[§560:5-610]~~ **Reproductive rights protection committee.** (a) [To carry out the purposes of this part, the reproductive rights committee is created.] There is established the reproductive rights protection committee within the department of health, state planning council on developmental disabilities, for administrative purposes. The committee shall consist of not [less] fewer than five nor more than seven persons appointed, with the consent of the senate, by the governor[.] for staggered terms as provided in section 26-34. The state planning council [for] on developmental disabilities shall provide the governor with a list of nominees. The governor shall not be limited to the nominees provided in appointing the members of the committee. The committee shall include a person with a disability or the parent or guardian of such a person and persons from at least the following disciplines:

- (1) Law;
- (2) Medicine;
- (3) Theological or philosophical ethics;
- (4) Social work; and
- (5) Psychology[.] or psychiatry.

(b) The committee shall review and make recommendations to the court on all petitions for sterilization. In making its recommendation to the court, the committee shall investigate and determine whether the ward is capable of giving informed assent and, if not, whether sterilization is in the best interests of the ward. The committee shall consider the criteria set forth in section 560:5-608, in determining whether the ward is capable of providing informed assent or whether sterilization is in the best interest of the ward.

(c) The committee or designated members of the committee may interview or request written statements from the ward, physicians, relatives, concerned individuals, and others who, in [their] the committee members' judgment, possess relevant information concerning the petition for sterilization. Conversely, the ward, the guardian ad litem, the petitioner, or any other person may request to speak to the committee or submit a written statement to the committee concerning the proposed sterilization.

(d) The committee shall submit a report in writing to the court containing its recommendation together with supporting documentation. Committee members who do not concur with the majority recommendation also shall [also] submit a report in writing to the court detailing the basis for their dissent.

(e) The members of the committee shall serve without pay but shall be reimbursed for their actual and necessary expenses, including travel expenses incurred in carrying out their duties.

(f) The committee may hire staff, subject to chapters 76 and 77, to assist in the performance of the committee's duties."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 26, 1991.)