

STAND. COM. REP. NO.

768

Honolulu, Hawaii

MAR 04 2011

RE: S.B. No. 218  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 218 entitled:

"A BILL FOR AN ACT RELATING TO HEALTHCARE,"

begs leave to report as follows:

The purpose and intent of this measure is to require hospitals to provide survivors of sexual assault with medically and factually accurate and unbiased information regarding emergency contraception and to make emergency contraception immediately available upon request to survivors of sexual assault.

Your Committee received testimony in support of this measure from the GLBT Caucus of the Democratic Party of Hawaii, Hawai'i State Democratic Women's Caucus, Hawaii State Commission on the Status of Women, The Sex Abuse Treatment Center, Department of the Prosecuting Attorney of the City and County of Honolulu, American Civil Liberties Union of Hawaii, Democratic Party of Hawai'i, Women's Coalition, Planned Parenthood of Hawaii, Community Alliance on Prisons, Healthy Mothers Healthy Babies Coalition of Hawai'i, and many private individuals. Your Committee received testimony in support of the intent of this measure from the Department of Health. Your Committee received testimony in opposition to this measure from the Hawaii Family Forum, Hawaii Catholic Conference, Hawaii Right to Life, Americans United for Life Action, and many private individuals. Your Committee received comments on this measure from the Healthcare Association of Hawaii and one private individual.

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Your Committee finds that each year in Hawaii, hundreds of women and girls report having been forcibly raped. This already high number does not include the unknown numbers of women who were raped but did not report the rape to the authorities. Statistically, approximately five to eight percent of these women will become pregnant as a result of being raped if they are not able to take advantage of emergency contraception. Your Committee finds that denying a survivor of rape the opportunity to avoid pregnancy caused by the rape adds additional trauma to the incident of the rape by denying the survivor's agency over her own body and imposing the will of another individual over her right to make her own informed choice. Your Committee further finds that providing women who seek emergency medical services after a rape with accurate information about and immediate access to emergency contraception is the accepted standard of care according to the American Medical Association and the American College of Obstetricians and Gynecologists and is mandated in fifteen states, the District of Columbia, and all military and federal hospitals.

Your Committee does not find the arguments of this measure's opponents to be persuasive. Your Committee notes that certain medical providers have been subject to contract-based restrictions on the medical services that they are allowed to offer to patients. Your Committee finds that these restrictions are generally unrelated to the philosophies of individual providers or the institutional priorities of health care facilities, but are rather conditions imposed by third-party landowners unconnected to the actual provision of care at the health care facilities. Your Committee finds that all patients are entitled to make informed choices and to receive thorough medical care. Your Committee further finds that it is inappropriate to allow the particular viewpoint of a provider or the institutional philosophy of a third party to restrict a patient's right to access legal, medically appropriate, and readily available medical treatment.

Your Committee has amended this measure by:

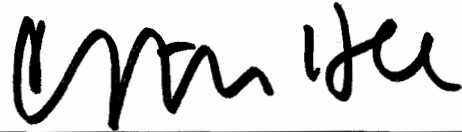
- (1) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report,



your Committee is in accord with the intent and purpose of S.B. No. 218, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 218, S.D. 1.

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



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CLAYTON HEE, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 218</b>	Committee Referral: <b>HTH, JDL</b>	Date: <b>2/24/11</b>		
<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 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike			✓	
IHARA, Jr., Les		✓		
SLOM, Sam			✓	
<b>TOTAL</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>0</b>
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