

STAND. COM. REP. NO.

1053

Honolulu, Hawaii

APR 05 2011

RE: S.C.R. No. 48

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

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.C.R. No. 48 entitled:

"SENATE CONCURRENT RESOLUTION URGING CONGRESS TO SUPPORT FEDERAL LEGISLATION PROHIBITING HEALTH INSURERS FROM DENYING COVERAGE TO VICTIMS OF DOMESTIC VIOLENCE ON THE GROUNDS THAT IT IS A PRE-EXISTING CONDITION,"

begs leave to report as follows:

The purpose and intent of this measure is to urge Congress to support federal legislation prohibiting health insurers from denying coverage to victims of domestic violence on the grounds that it is a pre-existing condition.

Your Committee received testimony in support of this measure from the American Civil Liberties Union of Hawai'i.

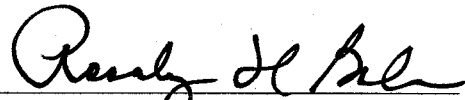
Your Committee finds that although domestic violence affects women and men of all ages and all socio-economic classes, women make up a disproportionately large number of victims and are more likely to experience complicating factors such as financial dependence on their abusers. Your Committee also finds that while Hawaii and forty other states prohibit discrimination against survivors of domestic violence in insurance coverage, the federal government has not followed suit. Therefore, Hawaii's antidiscrimination law does not apply to Hawaii residents who are covered under insurance policies that are governed by the federal Employee Retirement Income Security Act.



Your Committee finds that without specific protections in place, insurance companies often deny, refuse to renew, or cancel insurance policies and benefit plans of domestic violence survivors on the grounds that domestic violence is a pre-existing condition. The risk of losing important insurance benefits may serve to discourage domestic violence survivors from reporting abuse or seeking medical treatment. Your Committee further finds that federal legislation to prohibit insurance discrimination against survivors of domestic violence will remove a formidable barrier that prevents survivors from reporting abuse, seeking help, and ultimately escaping abusive situations.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 48 and recommends its adoption.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SCR 48	Committee Referral: CPN	Date: 3-29-11		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
GALUTERIA, Brickwood	✓			
GREEN, M.D., Josh				✓
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama	✓			
SLOM, Sam				✓
TOTAL	5	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes