

Honolulu, Hawaii
February 15, 2013RE: H.B. No. 411
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 411
entitled:

"A BILL FOR AN ACT RELATING TO HOSPITAL EMERGENCY
COMPASSIONATE CARE FOR SEXUAL ASSAULT VICTIMS,"

begs leave to report as follows:

The purpose of this measure is to ensure that victims of
sexual assault are provided information about and access to
emergency contraception when receiving emergency medical care at
Hawaii's hospitals.

The Department of Health, Department of Human Services, City
and County of Honolulu Department of the Prosecuting Attorney,
Hawaii State Commission on the Status of Women, Hawaii Medical
Association, Community Alliance on Prisons, Planned Parenthood of
Hawaii, Americans for Democratic Action Hawaii, Hawaii State
Democratic Women's Caucus, Family Voices of Hawaii, Hawaii Women
Lawyers, The Sex Abuse Treatment Center, Progressive Democrats of
Hawaii, Democratic Party of Hawaii Gay Lesbian Bisexual and
Transgender Caucus, Hawaii State Coalition Against Domestic
Violence, American Civil Liberties Union of Hawaii, Hawaii Women's
Coalition, and National Association of Social Workers, Hawaii
Chapter, and numerous individuals supported this measure. Kaiser
Permanente Hawaii supported this measure with a suggested
amendment. St. Francis Healthcare System of Hawaii, Hawaii
Catholic Conference, and two individuals opposed this measure.
Two individuals submitted written comments.



Your Committee has amended this measure by:

- (1) Providing clarifying language that requires a hospital to ensure that providers who may prescribe or administer emergency contraception, rather than each person at the hospital who may provide emergency medical care, to be trained to provide a sexual assault victim with medically and factually accurate and unbiased written and oral information about emergency contraception and sexual assault treatment options and access to emergency contraception;
- (2) Amending the definition of "sexual assault" to mean vaginal penetration without the person's consent, by compulsion or strong compulsion, or by sexual intercourse with someone who is mentally incapacitated, as defined in section 707-700, Hawaii Revised Statutes;
- (3) Changing the definition term "sexual assault survivor" to "sexual assault victim";
- (4) Requiring hospitals to offer, rather than provide, emergency contraception to each female assault victim, when medically indicated; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 411, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 411, H.D. 1, and be referred to the Committee on Judiciary.

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



DELLA AU BELATTI, Chair



