



EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

GOV. MSG. NO. 851

July 11, 2006

The Honorable Robert Bunda, President  
and Members of the Senate  
Twenty-Third State Legislature  
State Capitol, Room 003  
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

I am transmitting herewith SB2166 SD2 HD3, without my approval, and with the statement of objections relating to the measure.

SB2166 SD2 HD3

A BILL FOR AN ACT RELATING TO  
MINORS.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

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## A BILL FOR AN ACT

RELATING TO MINORS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that minors who are  
2 living on their own without parental support or guidance find it  
3 difficult, if not impossible, to obtain general medical care  
4 without consent from a parent or guardian. Minors living on  
5 their own who cannot obtain parental consent for medical  
6 treatment include runaway, homeless, and street youth, as well  
7 as young people from Micronesia and other Pacific Islands who  
8 have moved to Hawaii on their own. Licensed health care  
9 practitioners or clinics that provide treatment to minors  
10 without parental consent face possible legal action. Without  
11 consent from a parent or guardian, this population of young  
12 people is left suffering when in need of medical treatment.

13           Currently in this state, youth aged fourteen and older may  
14 consent to family planning and contraceptive care,  
15 pregnancy-related care, and treatment for sexually transmitted  
16 diseases. Approximately forty-nine per cent of the fifty states  
17 and the District of Columbia allow minors some form of access to  
18 general medical care.



1           SECTION 6   Statutory material to be repealed is bracketed  
2 and stricken.   New statutory material is underscored.

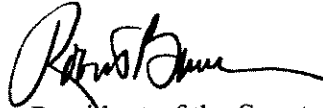
3           SECTION 7.   This Act shall take effect upon its approval.



**THE SENATE OF THE STATE OF HAWAII**

Date: April 20, 2006  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



President of the Senate

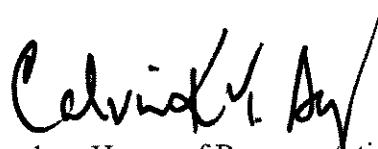


Clerk of the Senate


**THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF HAWAII**

Date: April 11, 2006  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



Speaker, House of Representatives



Clerk, House of Representatives

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2166, entitled "A Bill for an Act Relating to Minors," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2166 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2166 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 26th day  
of June, 2006.



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LINDA LINGLE  
Governor of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2166

Honorable Members  
Twenty-Third Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2166, entitled "A Bill for an Act Relating to Minors."

The purposes of this bill are to (1) allow minors without guardians to consent to the provision of primary or preventive medical care and services if a licensed healthcare practitioner makes certain determinations; (2) provide immunity from civil and criminal liability to a practitioner who provides primary care to a minor without a guardian in certain circumstances; (3) allow a minor to request that a managed care or health insurance plan billed for the minor's care not disclose information to certain individuals; and (4) deletes current statutory language that would have required parental consent for a minor (14 to 17 years of age) to terminate a pregnancy.

Although it is certainly important for minors without guardians, including homeless, runaway, and immigrant minors, to be able to consent to medical services, this bill is objectionable because it goes beyond that goal. In addition to allowing minors without guardians to consent to primary and preventive medical care and services, the bill would expressly allow some minors as young as fourteen years of age to consent to complex medical procedures including surgery. These types of medical procedures are serious and have long-term consequences for the health and well-being of the child. Yet, this bill would allow young people to make their decisions who may not have the maturity or judgment to understand the full consequences of this decision.

First, the purpose section of this measure indicates the target population is homeless, runaway, and immigrant minors who find themselves unable to obtain medical services. While this is referenced in the preamble to this bill, the actual statutory language contains no phraseology specifying this target population. The law, as drafted, applies to any minor over age 14. Further, the stipulation that it "not be practicable" to obtain legal consent from an adult, is overly broad.

Second, Senate Bill No. 2166 provides immunity to licensed or certified health practitioners who provide care and treatment to minors. However, the bill expands the type of person who can perform medical treatments on a minor beyond the current statutory limit of licensed practicing physicians. Further, while it is likely the medical practitioner could be held liable for improper medical care, the practitioner could not be held liable for any errors in determining that the minor had no adult supervision and understood the nature and consequence of the medical procedure performed.

The bill also contains a confidentiality provision that may prevent parents from being informed about the medical care and treatment that their children receive. There is merit in the concern that parent rights as well as obligations are being undermined when the State sanctions in laws the ability of a child to avoid, for whatever valid reason may exist, the involvement of a parent or responsible adult.

Further, this measure requires a health insurer to not disclose payment information to the adult who owns an insurance policy covering the minor, if the minor asks that the information be withheld. Homeless, runaway, and immigrant minors are usually not covered by a parent's insurance policy, leaving the intent of this provision questionable while requiring insurance firms to participate in this concealment.

STATEMENT OF OBJECTIONS  
SENATE BILL NO. 2166  
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For the foregoing reasons, I am returning Senate Bill  
No. 2166 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE  
Governor of Hawaii