

Honolulu, Hawaii

FEB 13, 2006

RE: H.B. No. 2058

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 2058
entitled:

"A BILL FOR AN ACT RELATING TO THE REPRODUCTIVE RIGHTS
PROTECTION COMMITTEE,"

begs leave to report as follows:

The purpose of this bill is to abolish the reproductive
rights protection committee and to authorize the Family Court to
maintain a resource list of advisors who are knowledgeable in the
area of the reproductive rights of incapacitated disabled adults.

Specifically, the bill repeals the committee and replaces it
with a list of knowledgeable advisors to assist the Family Court
as an ad hoc panel. If requested by the Family Court, the
advisors are authorized to give the court advice on petitions for
sterilization of incapacitated adults, taking into consideration
whether the ward is capable of giving informed assent and the best
interest of the ward. The bill also clarifies that an
incapacitated ward is entitled to be present at court hearings on
sterilization, be represented by an attorney, and cross-examine
witnesses, unless the ward is unwilling or unable to participate.

The Judiciary, the State Council on Developmental
Disabilities, the Disability and Communication Access Board, and
Planned Parenthood of Hawaii testified in support of the bill.

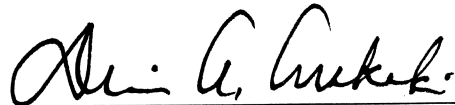
Your Committee finds that, although the reproductive rights
protection committee was established in 1986, it has reviewed only



one petition and it has had no expenditures in nearly a decade. The reproductive rights protection committee has no budget and no staff. Because of its relative inactivity, your Committee finds that it is reasonable to abolish the committee and replace it with a list of expert advisors willing to assist the Family Court as needed.

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. 2058 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

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



DENNIS A. ARAKAKI, Chair



