

Honolulu, Hawaii

March 24, 2006

RE: S.B. No. 2166
S.D. 2
H.D. 2

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

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 2166, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose of this bill is to allow minors who are living on their own to obtain primary or preventive medical care and services. Specifically, this bill:

- (1) Allows a minor to consent to the provision of medical services if a health care practitioner reasonably believes that:
 - (A) The minor understands the benefits and risks of the services and can communicate a decision;
 - (B) The services are for the minor's benefit; and
 - (C) The minor is living on the minor's own, or a parent, custodian, or legal guardian is not readily available to give consent.
- (2) Provides immunity from civil and criminal liability for the health care practitioner who in good faith renders medical services after determining the minor may give



consent, except for damages caused by the practitioner's negligent or wanton acts or omissions; and

- (3) Provides for confidentiality of a claim for medical services filed with a managed care or health insurance plan upon request of the minor.

The Queen's Medical Center, Hawaii Youth Services Network, Planned Parenthood of Hawaii, Hale Kipa, Waikiki Health Center, and a concerned individual supported this bill. Kaiser Permanente supported this measure with an amendment. Consumer Lawyers of Hawaii offered comments. Hawaii Right to Life and Hawaii Family Forum and Hawaii Catholic Conference opposed this bill.

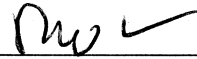
Your Committee has amended this bill by:

- (1) Providing a clearer statement of the criteria for determining whether a minor is without parental support;
- (2) Clarifying that a health care provider who with gross negligence or willful or wanton misconduct determines that a minor has the ability to consent, is liable for damages resulting from the gross negligence or willful or wanton misconduct;
- (3) Reinstating in the existing definition of "medical care and services", language that excludes "surgery and any treatment to induce abortion", and removing the amendment of that term from the bill;
- (4) Changing the effective date to July 1, 2050, to encourage further discussion; 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 Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2166, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as S.B. No. 2166, S.D. 2, H.D. 2.



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



ROBERT N. HERKES, Chair



