

Honolulu, Hawaii

April 24, 2008

RE: H.B. No. 2139
H.D. 2
S.D. 1
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2139, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to revise and update the process for organ donations for transplantation.

Specifically, this measure:

- (1) Directs the process for making anatomical gifts of a deceased person's body or body parts for transplantation, therapy, research, or education;
- (2) Stipulates the manner by which such gifts can be made;



- (3) Establishes a priority list of persons who are reasonably available, who may make an anatomical gift of a deceased person's body or body part;
- (4) Limits the liability of persons who act in good faith in making the decision that a deceased person meant to make an anatomical gift; and
- (5) Prohibits falsification of records or fraudulent actions by a person trying to make a profit from anatomical gifts.

Your Committee on Conference has amended this bill by:

- (1) Deleting provisions that would authorize an attending physician to resolve a conflict between an advance health-care directive and the measures necessary to maintain the suitability of a part for transplantation or therapy;
- (2) Changing the effective date to July 1, 2008; and
- (3) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2139, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2139, H.D. 2, S.D. 1, C.D. 1.


Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



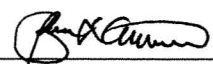
DAVID Y. IGE, Chair



JOSHUA B. GREEN, M.D., Co-Chair



BRIAN T. TANIGUCHI, Co-Chair



BLAKE K. OSHIRO, Co-Chair



Hawaii State Legislature

Record of Votes of a
Conference Committee

CCR 64-08

| | |
|--|----------------------|
| Bill / Concurrent Resolution No.: HB 2139, HD 2, SD 1 | Date/Time: 4/22/8 |
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The recommendation of the House and Senate managers is to pass with amendments (CD).

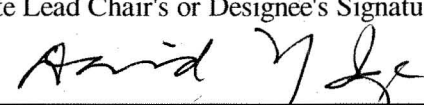
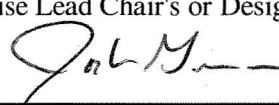
The Committee is reconsidering its previous decision.

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| <input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure | <input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure. |
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| Senate Managers | A | WR | N | E | House Managers | A | WR | N | E |
|------------------------------|---|----|---|---|----------------------------|---|----|---|---|
| IGE, David Y., Chr. | ✓ | | | | GREEN, Josh, M.D., Co-Chr. | ✓ | | | |
| TANIGUCHI, Brian T., Co-Chr. | ✓ | | | | OSHIRO, Blake K., Co-Chr. | ✓ | | | |
| WHALEN, Paul | ✓ | | | | MIZUNO, John | ✓ | | | |
| | | | | | MARUMOTO, Barbara C. | ✓ | | | |
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| TOTAL | 3 | | | | TOTAL | 4 | | | |

A = Aye WR = Aye with Reservations N = Nay E = Excused

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| Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted |
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| Senate Lead Chair's or Designee's Signature:  | House Lead Chair's or Designee's Signature:  |
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