

STAND. COM. REP. NO.

805

Honolulu, Hawaii

MAR 02 2007

RE: S.B. No. 1110
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 1110
entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to ensure that victims of
sexual assault are fully informed regarding treatment and
emergency contraception.

The measure accomplishes this goal by requiring all hospitals
and public facilities to provide victims of sexual assault with
information on emergency contraception and immediate access to
emergency contraception when requested.

Your Committee received testimony in support of this measure
from the Hawaii State Commission on the Status of Women, the ACLU,
Healthy Mothers Healthy Babies Coalition of Hawaii, Planned
Parenthood of Hawaii, the League of Women Voters of Hawaii, the
Community Alliance on Prisons, the American Association of
University Women, the Democratic Party of Hawaii, and two
individuals. The Planned Parenthood of Hawaii's Action Network
and the Hawaii State Democratic Women's Caucus submitted testimony
in support with a suggested amendment. Your Committee received
testimony in opposition to this measure from the St. Francis
Healthcare System of Hawaii, Pro-Family Hawaii, Hawaii Right to
Life, and Hawaii Medical Center.



Your Committee finds that information on emergency contraception is an important part of treatment and counseling for victims of sexual assault. Allowing these victims to be fully informed of all medical options and treatments available to them will provide a level of protection for women, help to prevent unintended pregnancies, and provide sexual assault survivors with information that may prevent a further trauma of pregnancy.

Your Committee finds that the use of emergency contraception is approved by the federal Food and Drug Administration and is a safe and effective means of treating victims of sexual assault.

In addition, your Committee finds that emergency contraception is consistent with the Ethical and Religious Directives published by the United States Conference of Catholic Bishops. According to Ron Hamel, Ph.D. and senior director for The Catholic Health Association, it is morally permissible for Catholic Hospitals to offer sexually assaulted women with emergency contraception to prevent conception, i.e. fertilization, from occurring. However, the administration of these medications may occur only after "appropriate testing" and if "there is no evidence that conception has occurred." Because there is no way of ascertaining that conception has occurred as a result of a sexual assault, two approaches to testing have emerged.

First, the "pregnancy approach", which is most often followed by Catholic hospitals, tests only for pre-existing pregnancy to rule out the possibility of pregnancy before the sexual assault occurred. If the pregnancy test is negative, the woman is offered emergency contraception. If the pregnancy test is positive, she is not given the medication because she is already pregnant, and there is no chance of her becoming pregnant from the sexual assault.

Second, the "ovulation approach" tests for pre-existing pregnancy and utilizes empirical data from the woman as to whether her menstrual cycle may be at a point where ovulation may be present. Some believe that the presence of ovulation is an indication that conception might have occurred. This approach permits the administration of contraceptive medicines only when the pregnancy test is negative and the empirical data shows that she is not presently ovulating.

Your Committee further finds that the following thirty-four Catholic Hospitals in the United States are currently offering



emergency contraception information and treatment to sexual assault victims:

Citrus Valley Medical Center-Queen of the Valley; Dominican Hospital; Mercy Medical Center-Redding; Mercy Medical Center-Merced; Mercy Medical Center-Shasta; Petaluma Valley Hospital; Saint Agnes Medical Center; Santa Rosa Memorial Hospital; St. Elizabeth Community Hospital; St. Francis Medical Center; Bon Secours Community Hospital; Kenmore Mercy Hospital; Mary Immaculate Hospital; Our Lady of Lourdes Memorial Hospital; Our Lady of Mercy Medical Center; Saint Vincent's Midtown Hospital; Seton Health System, Inc., St. Mary's Division; Sisters of Charity Hospital of Buffalo; St. Anthony Community Hospital; St. Joseph Hospital; St. Joseph's Hospital; St. Mary's Hospital at Amsterdam; St. Mary's Hospital at Brooklyn; St. Peter's Hospital; Providence Hospital; Holy Family Hospital; Lourdes Medical Center; Providence Everett Medical Center, Pacific; Providence St. Peter Hospital; St. John Medical Center; St. Joseph Hospital; St. Joseph Medical Center; and St. Mary Medical Center.

Your Committee has amended this measure by changing the effective date to "upon approval".

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 S.B. No. 1110, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1110, S.D. 1, and be placed on the calendar for Third Reading.

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




DAVID Y. IGE, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1110	HTH	2/28/07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
FUKUNAGA, Carol (VC)	✓			
BAKER, Rosalyn H.	✓			
MENOR, Ron				✓
WHALEN, Paul				✓
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency		

*Only one measure per Record of Votes