

STAND. COM. REP. NO. 1303

Honolulu, Hawaii

March 27, 2009

RE: S.B. No. 932  
S.D. 2  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 932, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO INFECTIOUS DISEASE TESTING,"

begs leave to report as follows:

The purpose of this bill is to stifle the spread of human immunodeficiency virus (HIV) by:

- (1) Expanding routine HIV testing by health care providers to improve early diagnosis of HIV;
- (2) Requiring health care providers to obtain written informed consent prior to testing for HIV; and
- (3) Providing for HIV counseling if there is a reactive, indeterminate, or confirmed positive result from an HIV test.

The Department of Health (DOH), Hawaii Medical Association, Waikiki Health Center, and Gregory House Programs supported this bill. Healthy Mothers Healthy Babies Coalition of Hawaii supported the intent of this measure. The American Civil Liberties Union of Hawaii opposed this bill. The Life Foundation and a concerned individual submitted comments.

SB932 HD1 HSCR HLT HMS 2009-3405

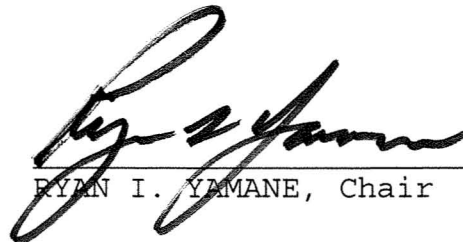


Your Committee has amended this bill by:

- (1) Providing that free and anonymous HIV testing may be available to a patient through DOH and community agencies;
- (2) Removing the requirement that health care providers must obtain written informed consent prior to testing for HIV;
- (3) Requiring DOH to make available to health care providers, information on accessing anonymous HIV testing that can be provided to patients;
- (4) Authorizing, rather than requiring, DOH to adopt rules establishing standards and procedures regarding HIV testing;
- (5) Changing the effective date to July 1, 2020, to encourage further discussion; and
- (6) Making technical, nonsubstantive changes for clarity, consistency, and style.

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. 932, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 932, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

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



RYAN I. YAMANE, Chair



