

STAND. COM. REP. NO.

1163

Honolulu, Hawaii

APR 06 2009

RE: S.C.R. No. 63
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.C.R. No. 63
entitled:

"SENATE CONCURRENT RESOLUTION URGING ALL HOSPITAL EMERGENCY
ROOMS IN THE STATE TO PROVIDE EMERGENCY CONTRACEPTION ON
DEMAND TO VICTIMS OF SEXUAL ASSAULT OR RAPE,"

begs leave to report as follows:

The purpose of this measure is to assure that victims of rape
and sexual assault receive the fullest and best care available by
urging all hospital emergency rooms in the State to adhere to the
accepted standard of care for victims of rape and sexual assault,
including the administration of emergency contraception without
delay and without adding insult to injury by requiring patient
transfer to another institution.

This measure further provides that a private nonprofit
institution would meet the standard for a religious employer
exemption under Hawaii law regarding contraceptives only if:

- (1) The inculcation of religious values is the purpose of
the entity;
- (2) The organization primarily employs persons who share its
religious beliefs;
- (3) It is not staffed by public employees; and



- (4) The entity qualifies as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code.

Your Committee received testimony in support of this measure from the Sex Abuse Treatment Center, Planned Parenthood of Hawaii, Healthy Mothers Healthy Babies, Community Alliance on Prisons, and the Democratic Party of Hawaii. Testimony in opposition to this measure was submitted by the Hawaii Family Forum.

Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that, according to the American College of Obstetricians and Gynecologists, the American Medical Association, and the American College of Emergency Physicians, the accepted standard of care for victims of sexual assault includes the provision of emergency contraception.

Your Committee further finds that requiring all emergency rooms to provide victims of sexual assault with emergency contraception, if desired, is solely a health care issue. Providing for a religious exemption would indicate the State's endorsement of providing some victims of sexual assault with less than standard health care. All victims of sexual assault, regardless of which emergency room they receive care from, should be provided with the same accepted standards of care that include complete and accurate medical information and the option to receive emergency contraception.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the provision of emergency contraception is the accepted standard of care and is accepted as Catholic health care policy as published in *Ethical and Religious Directives for Catholic Health Care Services, Fourth Edition*; and
- (2) Removing the religious exemption.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 63, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 63, S.D. 1.



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

David Y. Ige

DAVID Y. IGE, Chair



