

STAND. COM. REP. NO.

1164

Honolulu, Hawaii

APR 06 2009

RE: S.R. No. 37  
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.R. No. 37  
entitled:

"SENATE 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.

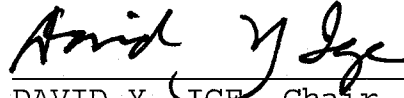
Accordingly, your Committee has amended this measure by:

- (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.R. No. 37, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 37, S.D. 1.



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



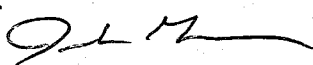
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DAVID Y. IGE, Chair



The Senate  
 Twenty-Fifth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:* <b>SR 37</b>	Committee Referral: <b>HTH</b>	Date: <b>8/30/09</b>		
<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)	✓			
GREEN, M.D., Josh (VC)	✓			
BAKER, Rosalyn H.	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.				✓
HEMMINGS, Fred				✓
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"></div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes