

Honolulu, Hawaii

March 2, 2012

RE: H.B. No. 2232
H.D. 2.

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2232, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to prohibit a physician, osteopathic physician, surgeon, or medical student from performing a pelvic exam on an anesthetized or unconscious female patient unless:

- (1) With an anesthetized female patient, specific informed consent was obtained, or the health care professional or medical student has the patient's permission to be involved in the patient's care and a pelvic examination is within the specified scope of care; or
- (2) With an unconscious female patient, the pelvic exam is required for diagnostic purposes.

The Hawaii State Commission on the Status of Women, American Civil Liberties Union of Hawaii, Hawaii State Democratic Women's Caucus, Hawaii Medical Board, Healthy Mothers Healthy Babies Coalition of Hawaii, Planned Parenthood of Hawaii, and numerous concerned individuals testified in support of this measure. The University of Hawaii John A. Burns School of Medicine testified in support of the measure with proposed amendments.



Your Committee has amended this measure by:

- (1) Clarifying that informed consent can be given both verbally and in writing;
- (2) Removing findings that were disputed by different testifiers; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2232, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2232, H.D. 2.

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


GILBERT KEITH-AGAPAN, Chair



