

Honolulu, Hawaii

FEB 15 2012

RE: S.B. No. 2575

S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2575 entitled:

"A BILL FOR AN ACT RELATING TO MANDATORY REPORTING REQUIREMENTS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend the definition of child abuse or neglect to include acts or omissions of any person or legal entity;
- (2) Requires mandatory reporting by certain individuals when there is reasonable suspicion of child abuse or neglect;
- (3) Expands medical personnel's duty to report wounds to include injuries suffered by a victim of labor trafficking or injuries that result from prostitution; and
- (4) Subjects a person who reports wounds to physician-patient privilege regarding patient communications for the diagnosis or treatment of the patient but not regarding the physician's observations of the patient.

Your Committee received testimony in support of this measure from Courage House Hawaii, Equality Now, IMUAlliance, the Justice Project Hawaii, Kapi'olani Medical Center for Women and Children, Pali Momi Medical Center, Tadia Rice Consulting, the Pacific



Alliance to Stop Slavery, and five individuals. Your Committee received testimony in opposition to this measure from the Department of Human Services; the Department of the Prosecuting Attorney, City and County of Honolulu; Harm Reduction Hawaii; Hawaii Youth Services Network; the Pacific Survivor Center; the Sex Abuse Treatment Center; and one individual. Your Committee received comments on this measure from the Department of the Attorney General, Planned Parenthood of Hawaii, and one individual.

Your Committee finds that human trafficking is on the rise worldwide. Studies have shown that many victims sought medical attention while being held in captivity but were not reported as victims of trafficking. Your Committee also finds that if a health care provider encounters a possible victim of trafficking who is over the age of eighteen, the health care provider is only able to offer to notify law enforcement or a victims specialist.

Your Committee further finds that under this measure, health care providers are compelled to report certain cases to law enforcement, even against the will of the patient. This can have adverse results such as undermining the patient-provider relationship, deterring victims from disclosing their situations, and deterring victims from seeking health care services.

Your Committee has therefore amended this measure by:

- (1) Adding language to describe the background and purpose of this measure;
- (2) Deleting language that amends the definition of child abuse that included acts or omission of any person or legal entity related to a child;
- (3) Deleting language that requires an individual to report cases to the local police department if the individual has a reasonable suspicion that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur; and
- (4) Adding language to make the reporting by certain medical personnel of injuries reasonably believed to have been caused by the use of violence or sustained in a suspicious or unusual manner, including injuries that



result from labor trafficking or prostitution,
discretionary, rather than mandatory.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2575, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2575, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,

Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



