

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 3039

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

Sir:

Your Committee on Health, to which was referred S.B. No. 3039 entitled:

"A BILL FOR AN ACT RELATING TO ANATOMICAL TRANSPLANTS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit a health care facility or health care provider from discriminating against a person who has human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), or AIDS-related complex (ARC), and who is in need of an organ transplantation by refusing to perform the organ transplantation; and
- (2) Specify that persons with HIV, AIDS, or ARC shall not be prohibited from receiving an anatomical gift.

Your Committee received testimony in support of this measure from the Hepatitis Support Network of Hawaii and three individuals. Your Committee received testimony in opposition to this measure from the Department of Health. Your Committee received comments on this measure from The Queen's Health Systems.

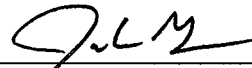
Your Committee finds that individuals with HIV, AIDS, or ARC are deserving of equal treatment and statutory protection with regard to their eligibility for potentially life-saving organ transplantation. Your Committee would also like to note that The Queen's Health Systems submitted comments regarding healthcare policies that mandate that an individual shall not be



discriminated against based on gender, religion, sexual orientation, or medical diagnoses. Rather, patient eligibility for organ transplant is evaluated on a per-patient basis and based on the best possible outcome. Testimony submitted by The Queen's Health Systems also notes that transplant programs are closely regulated by the federal Centers for Medicare and Medicaid Services and the Organ Procurement and Transplantation Network.

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. 3039 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Labor.

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



JOSH GREEN, M.D., Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>SB 3039</i>	<i>HTH, JDL</i>	<i>2/15/12</i>		
<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 checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, M.D., Josh (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
BAKER, Rosalyn H.	✓			
CHUN OAKLAND, Suzanne	✓			
SHIMABUKURO, Maile	✓			
WAKAI, Glenn		✓		
SLOM, Sam		✓		
TOTAL	<i>5</i>	<i>2</i>	<i>0</i>	<i>0</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Clarence K Nishihara</i>				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes