

HTH-JDL HEARING

TESTIMONY

HB399, HD1

&

HB399, HD1 PROPOSED

SD1

**GAY LESBIAN BISEXUAL
AND TRANSGENDER
CAUCUS**



**DEMOCRATIC PARTY
OF HAWAII**

Testimony in Opposition: HB 399 (Proposed)

TO: COMMITTEE ON HEALTH, Senator Green, Chair, Senator Baker, Vice Chair

TO: COMMITTEE ON JUDICIARY AND LABOR Senator Hee, Chair; Senator Maile Shimabukuro, Vice Chair

**TESTIMONY IN OPPOSITION TO HB399 (PROPOSED)
AND IN SUPPORT OF HB399 OR HB399 HD1**

The Gay Lesbian Bisexual and Transgender Caucus of the Democratic Party of Hawaii opposes the gutting of HB399 and replacing it with the proposed language. We support HB399 as originally submitted and heard by the House and request that you pass out either HB399 or HB399 HD1.

In general, we object to the practice of gutting and substituting bills. A bill deserves full vetting with hearings in both Houses. Last-minute substitutions circumvent that process.

In particular, we do not support the gutting of HB399 that proposed mandatory comprehensive sex education in Hawaii's schools, regardless of the noble intentions of the proposed language.

Most of us feel "lucky we live Hawaii". However, Hawaii is a leader in some areas that are harmful to our keiki. Hawaii has the lowest rate of condom use among teens in the nation (44%) and high teen pregnancy rates (79% - 17th in the nation in 2010). Given these statistics, Hawaii's youth need effective sex education.

Department of Education (DOE) benchmarks require students receive some form of sexual health education in grade 5, grade 7 and high school. However, as with many DOE policies, statewide standards are set, but DOE delegates implementation decisions to the school level, resulting in little consistency and no accountability. Some students receive in-depth, accurate and effective sexual health education at least three times between the ages of 11 and 18; others receive no sex education whatsoever.

Requiring Hawaii public schools to teach age-appropriate, medically-accurate, and comprehensive sexual health education will empower our youth with the necessary tools and knowledge to make responsible choices. As shown by the statistics, if we do not teach comprehensive sex ed in the public schools, students will learn these lessons in the School of Hard Knocks.

A friend of mine, whose daughter was born and raised in Hawaii and recently graduated from an ivy-league college, said it was heartbreaking to see how many of her daughter's high school classmates are trapped in a cycle of poverty. They got pregnant. They cannot continue their schooling. They are unable to provide for themselves and their children. It reminded me of how my older sister dropped out of college when she got pregnant at age 17; a decision that shaped her life for decades.

Far more people will be affected, and the long-term societal costs substantially reduced, by passing HB399 or HB399 HD1, rather than the proposed gut-and-replace language, which affects far fewer people, and for a shorter period of time.

Mahalo for your consideration.

Jo-Ann M. Adams, Legislative Liaison

To: Chair Josh Green, Vice-Chair Rosalyn H. Baker, and Members of the Health Committee
Chair Clayton Hee, Vice-Chair Maile S.L. Shimabukuro, and Members of the Judiciary and Labor Committee

I am currently a student in the Masters of Social Work program at Hawaii Pacific University and I STRONGLY SUPPORT HB 399 HD 1. In a current class, my group and I conducted a needs assessment on the teenage population in Hawaii. Through our extensive research and interviews, we found Hawaii's teens to lack a comprehensive sexual education curriculum. In fact, Hawaii has one of the lowest rates of condom use among teens in the nation standing at a lone 44%. We also have one of the highest teenage pregnancy rates standing at 17th in the nation as of 2010. In 2008 there were 3180 recorded pregnancies in Hawaii for girls between the ages of fifteen and nineteen and of those, 1625 were live births and 1120 were recorded abortions. These staggering and eye-opening statistics should show anyone that proper sex education is needed in our schools.

Similar facts we have found include:

- Children of teen parents are more likely to become victims of child abuse and neglect
- Offspring of teen parents are less likely to graduate from high school and more likely to repeat a grade
- Over 80% of teen mothers report being on some type of welfare assistance for the first ten years after their child's birth
- Teen parents have a 50% chance of graduating from high school as opposed to a non-teenage parents standard rate of 90%

Our teenagers are suffering from the lack of factual information and are not being given the fair chance to learn about good decision making. It is only fair that we provide them with a firm foundation that will support them as they progress through life. Whether they use the information or not, it is our jobs as the adults to make sure they are educated on such an important topic. As the rates are rising, we must adjust to the needs of these teenagers and properly educate them, therefore developing an across the board curriculum for sex education. This will ensure that students are taught the same curriculum and in the same way.

More personally, it was very unfortunate for me to witness many of my friends become pregnant, quit school, and find jobs to support themselves and their child. It was heartbreaking to see that many of my friends were not sitting with our graduating class because they dropped out or were involved in another program. These are real life situations and this needs to be addressed. They need your support; they are the future leaders of Hawaii!

Therefore, I encourage you to **support** HB 399 HD 1 so that our children and the future generations to come will receive the proper and adequate information that will affect the rest of their lives!

Thank you for your time,
Bryanna Tatupu-Leopoldo

References:

Kost, K., Henshaw, S. (2013). U.S. Teenage pregnancies, births and adoptions, 2008: state trends by age, race and ethnicity. *Guttmacher Institute*. retrieved from: guttmacher.org/pubs/USTPtrendsState08.pdf

Other Information gathered from Planned Parenthood



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 04/03/2013

Committee: Senate Health
Senate Judiciary and Labor

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: HB 0399,HD1 RELATING TO HEALTH

Purpose of Bill: Specifies additional elements of Hawaii's existing sexuality health education law and its implementation. Requires the department of education to provide certain types of information to the public and to parents. Allows parents to opt out of the department of education's sexuality health education.

Department's Position:

The Department of Education (Department) opposes HB 0399 HD1. This bill attempts to legislate curriculum content that should be left to the Department and the Board of Education to determine within their constitutional authority to formulate statewide educational policy.

Also, the Department already provides comprehensive medically-accurate sex education in the classroom based on the Hawaii Content and Performance Standards (HCPS) for Health Education in alignment with Board of Education Policy 2110 – Abstinence-Based Education. The HCPS for grades K-12 addresses the standards and benchmarks for health education and promotes sexual health and responsibility, mental and emotional health, and health and wellness.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 702 Honolulu, Hawaii 96813

Phone: (808) 531-2198 Fax: (808) 534-1199

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Daryl Selman, President
Judith F. Clark, Executive Director
Aloha House
American Civil Liberties Union of Hawaii
Bay Clinic, Inc.
Big Brothers Big Sisters of Honolulu
Big Island Substance Abuse Council
Blueprint for Change
Bobby Benson Center
Catholic Charities Hawaii
Child and Family Service
Coalition for a Drug Free Hawaii
Domestic Violence Action Center
EPIC, Inc.
Family Support Hawaii
Hale Kipa, Inc.
Hale 'Opio Kauai, Inc.
Hawaii Behavioral Health
Hawaii Student Television
Healthy Mothers Healthy Babies Coalition
Hina Mauka Teen Care
Hui Malama Learning Center
Kahi Mohala Behavioral Health
KEY (Kualoa-Heeia Ecumenical Youth)
Project
Kids Hurt Too
Kokua Kalihi Valley
Life Foundation
Marimed Foundation
Maui Youth and Family Services
Palama Settlement
P.A.R.E.N.T.S., Inc.
Parents and Children Together (PACT)
Planned Parenthood of Hawaii
REAL
Salvation Army Family Intervention Svcs.
Salvation Army Family Treatment Svcs.
Sex Abuse Treatment Center
Susannah Wesley Community Center
The Catalyst Group
The Children's Alliance of Hawaii
Waikiki Health Center
Women Helping Women
YWCA of Kauai

April 1, 2013

To: Senator Josh Green, Chair,
And members of the Committee on Health

Senator Clayton Hee, Chair
And members of the Committee on Judiciary and Labor

Testimony in Support of HB 399 HD 1 Relating to Health

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, strongly supports HB 399 HD 1 Relating to Health

Hawaii's communities benefit when our youth have the knowledge, skills, and resources to make healthy decisions about their sexual and reproductive health.

Because we have not yet committed the resources to ensure that our young people grow up sexually safe and healthy, Hawaii has the 17th highest rate of teen pregnancy in the United States. Each year, more than 1,500 teenage girls give birth in Hawaii.

Young women who give birth in their teens and their children face many challenges. At age 22, only half of teen mothers have graduated from high school compared to 90% of their peers who did not give birth as teens. Eighty percent (80%) receive Temporary Assistance to Needy Families Benefits (TANF) during the 10 years following the birth of the child.

The children fare less well in school, scoring lower on standardized tests of reading and math, more likely to repeat a grade, and less likely to graduate from high school than their peers. The children of teen parents have a higher rate of emergency room visits, are more likely to have chronic health conditions, and have a higher rate of child abuse and neglect.

All of this costs Hawaii taxpayers \$37 million dollars a year, 71% of it in state and local costs.

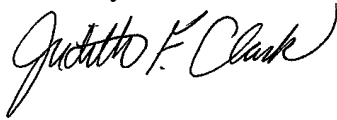
Ninety-seven percent (97%) of participants stated that it was important for Hawaii public schools to include sexual health education in their curriculum in a 2012 survey conducted by SMS Research. The majority felt that neither parents nor schools were providing a sufficient amount of sexual health information, and only half felt prepared to talk about sexual health topics with their children. The majority believed that education on most sexual health topics should begin in the middle schools, with some topics (such as anatomy, puberty, and sexual abuse) beginning in the elementary schools.

Sexual health education using age-appropriate, evidence-based curricula reduces the risk of unplanned pregnancies and sexually transmitted infections. Young people who complete these programs are more likely to practice abstinence, delay initiation of sex, have fewer sexual partners, and use protection when, and if, they begin having sex.

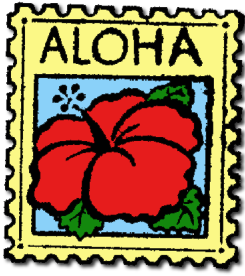
Everyone wants their children to they can grow up safe, healthy, and ready to succeed. We teach our children how to cross the street safely, because we know that one day they will face the risks of traffic. We also need to teach our youth how to protect themselves from the risks of unplanned pregnancy and STIs. The community supports sexual health education in our public schools, and our young people need and deserve it.

Thank you for this opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Judith F. Clark". The signature is written in a cursive style with a large, sweeping flourish at the end.

Judith F. Clark, MPH
Executive Director



Holly J. Huber

1519 Nuuanu Ave #154 • Honolulu, Hawaii 96817
(808) 554-7692 • hollyjhuber@gmail.com

Senate Committees on Health and Judiciary & Labor

Hearing on April 3, 2013 @ 1:30 PM in Conference Room 229

HB399 HD1 RELATING TO SEXUALITY HEALTH EDUCATION

TESTIMONY IN SUPPORT

April 1, 2013

Aloha Senators:

Mahalo for hearing HB399 to improve Hawaii's existing sexuality health education law and its implementation.

I urge you to **STRONGLY SUPPORT** this measure providing medically accurate sexuality health education.

In this age of information, our keiki should be provided with the best possible resources so they can make informed decisions.

Please vote "YES" on HB399.

Sincerely,

Holly J. Huber

COMMITTEE ON HEALTH
Senator Josh Green, Chair
Senator Rosalyn H. Baker, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

From: Cassandra Ozoa

2003 Eluwene Street, Honolulu, HI 96819

kozoa@hawaii.edu

RE: STRONG SUPPORT OF HB 399, Relating to Comprehensive Sex Education

Hearing: Wednesday, April 3, 2013

Conference Room 229

1:30pm

Senator Chair Josh Green, Senator Vice Chair Rosalyn H. Baker, members of the committee on health, Senator Chair Clayton Hee, Senator Vice Chair Maile S.L. Shimabukuro, and members of the committee on judiciary and labor, my name is Cassandra Ozoa and I am a BSW student at the University of Hawaii at Mānoa. I was born and raised on Oahu and I am in support of House Bill 399 relating to the keiki caucus on comprehensive sex education. I am in support of this bill because there are many benefits that the adolescents in Hawaii will have as a result of the passage of this bill. In Hawaii, high rates of pregnancy and sexually transmitted infections are serious problems.

Aside from the sex education, the passage of House Bill 399 will allow for a more open dialogue with parents concerned about their teenager's sex life. Education within the schools will focus on the potential relationship that they could have and benefit from with their parents.

This bill presents teenagers with information about developing healthy relationships and tools for improved communication skills. Domestic violence is a serious yet unnoticed problem in relationships. I do believe that education for young adolescents would have an impact on relationships that develop among teens. It is important to be open about the realities of the affairs that go on and how to properly cope or deal with those emotions.

Another benefit of this bill is that the parents still have a choice to excuse their child from this particular education. Though they are provided with age appropriate information, it is vital that there is still an option in having parents choose to have their teen receive sex education or not.

I am in great support of this bill because it is important to have awareness and allow for adolescents to see that they are not the only ones going through this development stage as well as keeping their communication lines open. Most of the time, the issue of sex is considered taboo and unspoken of. By allowing comprehensive sex education in schools, this could significantly benefit teenagers in their development of personal relationships with themselves as well as amongst their peers. They are allowed the opportunity to know everything that they need to know about their own bodies and their functioning as well as teaching them to take responsibility of their lives at an early age, which will lead to informed and healthy decisions as they mature into young adults.

Thank you for consideration of my testimony in support of House Bill 399.

Sincerely,
Cassandra Ozoa

April 1, 2013

TESTIMONY IN SUPPORT OF HB 399
Relating to Health

Position: Support

Dear Chair, Vice Chair, and Committee Members,

My name is Stacy Dona and I am a MSW student at Hawaii Pacific University (HPU). I would like to provide testimony in support of House Bill 399.

I strongly support this bill for the following reasons:

- Hawaii is one of the leading states with the highest rate of teen pregnancy.
- Sexually transmitted diseases (STDs) are also at an all time high.
- Age appropriate sexual health education is needed to prevent teens from teen pregnancy and sexually transmitted diseases.
- With sexual health education, Hawaii's youth will be provided with the appropriate education in ensuring their health and safety.
- Sexual health education curriculums will provide the youth with proper information and tools that will allow them to make responsible choices and teach them about abstinence.
- Sexual health education will provide the youth with proper information that will allow the youth to make their own informed decisions about sex while providing information of the risks.
- Sexual health education curriculums may be able to help reduce the number of teen pregnancy and STDs.

As a social work student, I believe that it is important that such curriculum is available to the youth. The rate of teen pregnancy and STDs will continue to increase if the youth is not educated. This is a major social problem that needs attention. Awareness and education to this major social problem among the youth is important.

I urge your favorable consideration of HB 399. Thank you for this opportunity to testify.

Thank you!

Stacy Dona

Testimony in Support: HB 399 HD1

To: Senator Josh Green, Chair, Senator Rosalyn H. Baker, Vice Chair and Members of the Committee of Health and Senator Clayton Hee, Chair, Senator Maile S.L. Shimabukuro, Vice Chair, and Members on the Judiciary and Labor Committee

Re: Testimony in Support of HB 399 Relating to Health

Hawaii's youth need and deserve the best and most effective sex education. Sadly and not surprisingly, Hawaii has one of the highest teen pregnancy rates in the nation. We rank 17th in the country from 2010 data.¹ The occurrence of sexually transmitted infections is also on the rise. Hawaii has the nation's 8th highest rate of Chlamydia infection, as of 2010.²

I am an older sister of three teenagers and I am also a drug intervention educator in Hawaii's public schools. I know, firsthand that parents do not always fully educate their children on what they need to know, especially when it comes to sensitive issues like sexuality. I love my parents dearly and they try their best, but my parents did not always feel comfortable talking about sex when I was growing up. I relied on my school to teach me about sexuality and health and I would read books about it to know what I needed to know in my sparetime. I am far from alone. This is a common occurrence here in Hawaii. I know this from growing up here, surrounded by classmates who knew very little, if anything at all, about contraception and STI's. They seemed to think they knew a lot about sex and not getting pregnant, but learned their false facts primarily from their friends.

My siblings also did not have adequate information. I can remember them coming home with a book from their middle school's sex ed class and they were sharing it with me. It basically said that when a boy is a man and is ready to have children he gets married, they "become one" and have children. It taught that sex before marriage is not okay, but spoke nothing of STI's, pregnancy, risks, or contraception. I know for a fact that none of my siblings waited until marriage to become sexually active. Who's shoulders did it fall on to teach them accurate information about sex and contraception when the parents and the schools failed? Me. As the older sister I taught them about risks of STI's and pregnancy. I told them how and where to access contraception. I even helped them get it if they were not able to themselves. I answered all of their questions that they had, but not everyone has an older sister to turn to. Often children and adolescents will turn to their peers for that information, which is far from the most accurate or reliable source of information.

The 2011 Hawaii Youth Risk Behavior Survey revealed more disturbing data. It found that the rate of teens participating in sexual intercourse increased in 2009. Among those who were sexually active, 56% of teens were not using condoms and 79% did not use birth control.³ Nationally, 40% of teens fail to use a condom during sexual intercourse.⁴ ***Hawaii has the lowest rate of condom use among teens in the nation.***

¹ Guttmacher Institute, 2010. "U.S. Teenage Pregnancies, Births and Abortions: National and State Trends and Trends by Race and Ethnicity." Accessed from <http://www.guttmacher.org/pubs/USTPtrends.pdf> on November 29, 2012.

² Hawaii Department of Health. "Chlamydia Case Rate by Year: Hawaii and US, 1986-2010." Accessed from <http://hawaii.gov/health/healthy-lifestyles/std-aids/data-statistics/ct%20source%20gender%202010.pdf> on November 29, 2012.

³ Centers for Disease Control and Prevention. "HIV, Other STD, and Teen Pregnancy Prevention and Hawaii students" Accessed from http://www.cdc.gov/healthyyouth/yrbs/pdf/hiv/hi_hiv_combo.pdf on December 10, 2012.

In Hawaii, Department of Education (DOE) benchmarks require that students receive some form of sexual health education in elementary (grade 5), middle school (grade 7) and high school. For some students this means that they receive in-depth, accurate and effective sexual health education at least three times between the ages of 11 and 18. However, there is little consistency and accountability between schools.

Comprehensive and medically accurate sex education provides teens the information and tools that they need to keep themselves safe and healthy and to make responsible choices. Those tools include information about abstinence, as well as contraceptives, STI's, HIV, in addition to teaching abstinence.

Requiring that Hawaii public schools teach age appropriate, medically accurate, and comprehensive sexual health education will not only reduce our rates of sexually transmitted diseases and teen pregnancy, but it will empower our youth with the necessary tools and knowledge they need to keep themselves safe and healthy.

I plead with you to please pass HB399/SB 389 and help properly educate our youth about sex and sexuality.

Mahalo,

Mercedes Tappe

⁴ Ibid.



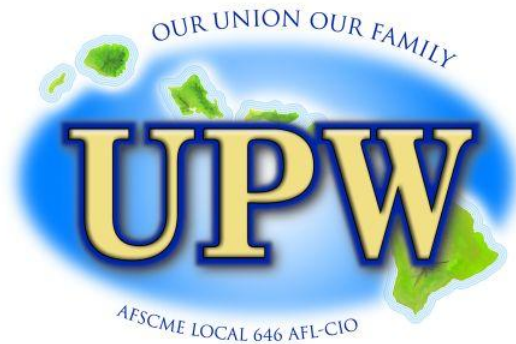
H.B. 399, HD1, Proposed SD1, RELATING TO HEALTH
Senate Committee on Health
Senate Committee on Judiciary and Labor
April 3, 2013, 1:30 p.m.
Room 229

Thank you for the opportunity to provide testimony on H.B. 399, Proposed SD1, Relating to Health. My name is Loraine Fleming, Director of Behavioral Health, Orthopedic, and Transplant Services at The Queen's Medical Center and I am testifying on this measure in **support with concerns**.

The Queen's Medical Center recently celebrated its 1st year anniversary of our re-opened organ transplant center. It was a celebration of the successful critical healthcare service this center brings to the community. The organ transplant center is home to physicians and staff with over 20 years of experience in transplantation.

This proposal comes as we continue to build and grow this program with more organ donations and surgeries. Since the program is still in its relative infancy, the best gauge to determine likely impact of this measure is to look back when the center was housed at St. Francis – East. Then, at the height of operations, it is estimated that 22 live kidney and 20 bone marrow donations occurred, per year. Half of these donors were employed. It is significant to reflect on the lives saved yearly, comparative to the small number of employed donors who gave their gifts of life to the donor recipients. Furthermore, the act of bone marrow and organ donation is physically challenging, requiring adequate time for recuperation. Often times there is tremendous pressure for the donor to return to work as quickly as possible, to protect income and/or health insurance coverage. This measure would provide relief and support to recovering donors.

We recognize the unfunded employer benefit cost that could result from this measure, albeit we respectfully suggest the number of times this requirement might be utilized by an employee would be relatively minute.



THE HAWAII STATE SENATE
The Twenty-Seventh Legislature
Regular Session of 2013

COMMITTEE ON HEALTH

The Honorable Sen. Josh Green, Chair
The Honorable Sen. Rosalyn Baker, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

The Honorable Sen. Clayton Hee, Chair
The Honorable Sen. Maile Shimabukuro, Vice Chair

DATE OF HEARING: Wednesday, April 3, 2013
TIME OF HEARING: 1:30 p.m.
PLACE OF HEARING: Conference Room 229

TESTIMONY ON HB399 HD1 RELATING TO HEALTH

By DAYTON M. NAKANELUA,
State Director of the United Public Workers,
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua and I am the State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive representative for approximately 11,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

The UPW supports the proposed draft of HB399 HD1 that requires certain private employers to allow employees to take paid leaves of absence for organ, bone marrow, or peripheral blood stem cell donation; requires employers to restore an employee returning from leave to the same or equivalent position; and establishes a private right of action for employees seeking enforcement of provisions.

While donating an organ, bone marrow, or peripheral blood stem cells is a strain upon the donor, they often have to hastily return to work. The donor is also compelled to consider their choice to donate in light of whether they can afford the absence. This measure will facilitate generous and critical donations to support both an ill individual and the compassionate donor who would aid them.

Thank you for the opportunity to testify on this measure.



March 28, 2012

COMMITTEE ON HEALTH

Senator Josh Green, Chair

Senator Rosalyn H. Baker, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S. L. Shimabukuro, Vice Chair

From: Diana Benningfield

Date & Time of Hearing: 1:30pm, Wednesday, April 3, 2013

Re: Testimony in support of HB 399, HD1 (Proposed SD1) RELATING TO HEALTH

My name is Diana Benningfield. I am a non-directed living kidney donor employed with the National Kidney Foundation of Hawaii. I am passionate about the need for organ donation and especially for the need for living donors. Approximately 90% of all people awaiting a transplant are waiting for kidneys. As a member of the Hawaii Organ Transplant Council, Hawaii Coalition on Donation and the Hawaii Living Donor Council, I see the results a transplant can have in the life of the transplant recipient and in the members of their family. Transplantation does not lead to people merely surviving. Rather, the gift of transplantation results in lives filled with health, gratitude and most often, a meaningful contribution to their communities and families.

I strongly support HB 399, HD1 (Proposed SD1) which requires certain private employers to allow employees to take paid leaves of absence for organ, bone marrow or peripheral blood stem cell donation. The National Kidney Foundation of Hawaii already has a policy for leave for this purpose and I was fortunate that I never had to address the fear of not receiving a paycheck. With the many considerations a donor must face, it is comforting not to have to think about that issue. As an administrator, I fully understand the Employers need to keep costs in line, but I believe it is imperative to give assistance to someone willing to donate an organ to save someone's life. I cannot tell you how many times someone has called me for information or assistance to help pay their bills while they were out of work after donating an organ to their child, family member or friend. It is heart breaking to have to tell them there is not an avenue to pursue. I have seen several transplants fail to take place because the donor could not afford to take 30 days off for recovery.

I urge the committee to pass HB 399, HD1 (Proposed SD1). It is an important step toward removing another barrier to organ and tissue donation and saving lives in Hawaii.

Thank you for your serious and thoughtful consideration of the bill and submitted testimony. I can be reached at 589-5961 or Diana@kidneyhi.org for additional information or questions.

Sincerely,

Diana Benningfield
Director of Organizational Planning and Operations
National Kidney Foundation of Hawaii

**Testimony to the Senate Committees on Health and Judiciary and Labor
Wednesday, April 3, 2013 at 1:30 P.M.
Conference Room 229, State Capitol**

RE: HOUSE BILL 399 HD1 PROPOSED SD1 RELATING TO HEALTH

Chairs Green and Hee, Vice Chairs Baker and Shimabukuro, and Members of the Committees:

The Chamber of Commerce of Hawaii ("The Chamber") **does not support** HB 399 HD1 Proposed SD1 Relating to Health.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

This measure requires employers to provide paid leave to employees who are organ, bone marrow, or peripheral blood stem cell donors.

We sympathize those in need of a donor and appreciate the intent of this measure. However, we do not believe that the business community should be the sole bearer in the cost of this mandate. In essence, the Legislature is requiring the employer to pay for a large portion of this benefit. In addition, we are unaware of any empirical data showing that there are many donors who have not donated due to lack of paid leave. Furthermore, the administrative burden, especially to small businesses is enormous.

Lastly, we do not think it is fair that this mandate is placed on the private sector and the public sector is exempt from this provision.

Thank you for allowing us to testify on this measure.

April 1, 2013

COMMITTEE ON HEALTH

Senator Josh Green, Chair

Senator Rosalyn H. Baker, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S. L. Shimabukuro, Vice Chair

Re: Testimony in Support of HB399, HD1 (Proposed SD1) RELATING TO HEALTH

My name is Roy Yonashiro. I am employed by the Hawaii Bone Marrow Donor Registry and my position here is that of Recruitment Specialist.

I am writing to register my support for HB 399, HD1 (Proposed SD1). I strongly feel that this bill will greatly benefit those volunteer donors of bone marrow, blood stem cells and living organs such as kidney. This bill will require certain private employers to grant paid time off for those employees who selflessly donate to save the lives of others in need.

Often, most donors must use their own personal vacation time or sick leave time off to donate. It puts a huge burden on the donor and if they cannot afford to take the time off of work, they are forced not to donate. In these difficult economic times, everyone is faced with financial obligations that limit their altruistic ways. More and more non-profit organizations such as the Hawaii Bone Marrow Donor Registry, The National Kidney Foundation of Hawaii and The Legacy of Life depend on the public to support our mission of saving lives. This bill will help encourage so many people to become donors by eliminating that fear of losing income in order to help another person.

Based on my experience working with donors and patients, I know this bill will help so many people in need.

Thank you for your time and consideration of my testimony. I can be reached at 808-741-1163 or roy.yonashiro@hbmdr.org for additional information or questions.

Sincerely,



Roy Yonashiro

Recruitment Specialist

Hawaii Bone Marrow Donor Registry

March 29, 2013

COMMITTEE ON HEALTH

Senator Josh Green, Chair
Senator Rosalyn H. Baker, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair
Senator Maile S. L. Shimabukuro, Vice Chair

From: Dr. Linda Wong

Date & Time of Hearing: 1:30pm, Wednesday, April 1, 2013

Re: Testimony in support of HB 399, HD1 (Proposed SD1) RELATING TO HEALTH

RE: HB 399, HD1(Proposed SD1) – Relating to Health

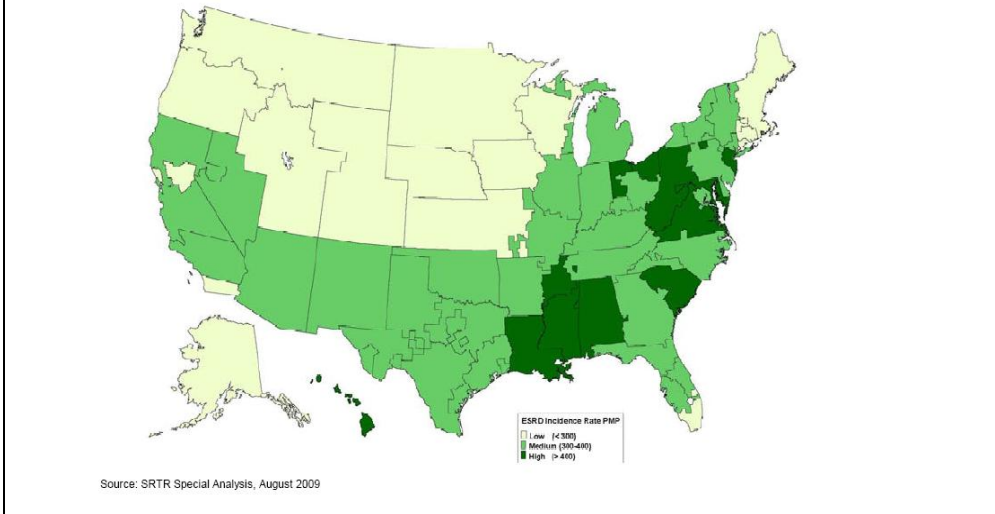
Dear Chairman Green and Vice-Chair Baker and members of the State Senate Health Committee,

In the U.S., there are currently 116,950 patients on the transplant waiting list and 18 patients die every day waiting for organs. In Hawaii, there are nearly 400 people waiting for organs, most of them waiting for kidneys. Only 40-60 patients will receive kidneys annually and last year with the opening of Queens Transplant Center, only 16 kidneys were transplanted.

A kidney transplant is life-altering procedure. It allows patients to be free from dialysis treatments, return to the work force and enjoy a considerably better quality of life. More importantly, the life expectancy and health of a person after transplant is clearly superior to that of a chronic dialysis patient.

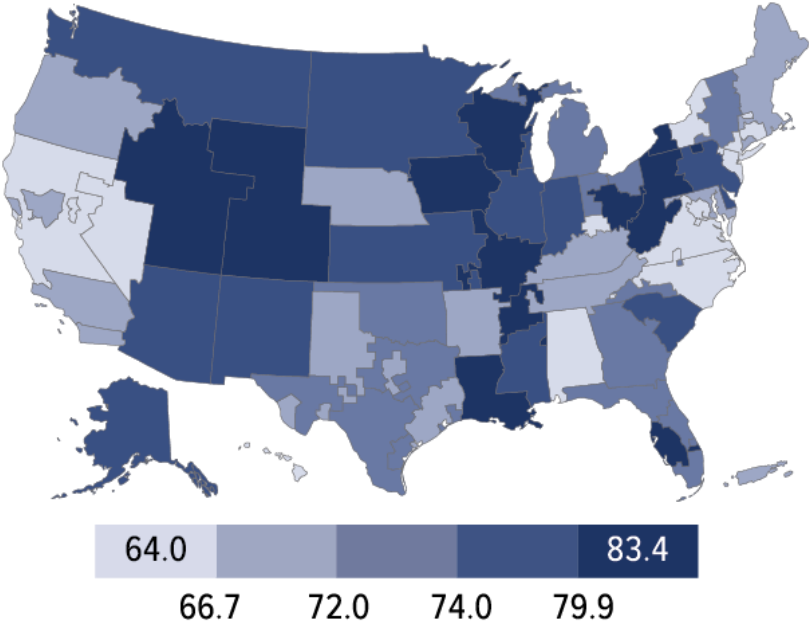
In 2,011,570 newly diagnosed patients with end-stage renal disease were placed on dialysis, and a total of 2849 patients were on dialysis at that time. (www.usrds.org) Many of these patients have diabetes and hypertension as Hawaii has a high incidence of such chronic illnesses. Hawaii is also clearly one of the states with a highest prevalence of end-stage renal disease as demonstrated in the map below, where Hawaii has a >400 dialysis patients per million population. (www.ustransplants.org)

Figure VIII-3. Geographic Variation in ESRD Incidence Rates by DSA



Hawaii is also the state with one of the lowest deceased-donor organ donation rates in the US. The picture below shows Hawaii’s donation rate to be in the low 60s per 100 eligible deaths, which means that nearly 40% of those patients who are medically qualified to donate organs in Hawaii, do not consent for this. Either they are not designated donors or their families refuse to sign the consent for organ donation at the time of death.

Overall donation rates (per 100 eligible deaths)



As a consequence, people with kidney disease on dialysis in Hawaii have among the longest waiting times for organ transplant. (www.optn.transplant.hrsa.gov) Most patients wait at least 3 years for kidney transplant and those with less common blood types can wait 7-10 years for a deceased donor kidney. The reality of this is that most of these patients are living with hemodialysis treatments 3 times a week, are disabled and cannot work. This adds a financial burden to their families and to Hawaii.

The only way our State can possibly deal with the disparities between the supply of organ donors and the waiting candidates for transplant, is with living donation. Every year our center has many potential living donors, but typically only 6-10% of these ever get thru the process of evaluation and actually donate a kidney. Some of these potential donors are fearful of the surgery and anesthesia, but many of them fear the financial ramifications. Although the recipient's insurance covers the medical costs, the cost of missing work and still having to support a family often precludes potential donors from actually donating.

We believe that by passing the above bill, the legislature and the State of Hawaii can do their part to promote living organ donation and transplant and end the ever growing disparity between people desperately awaiting organ transplantation and the donor supply.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda L. Wong". The signature is fluid and cursive, written in a professional style.

Linda L. Wong MD

Professor of Surgery, John A. Burns School of Medicine
Professor, University of Hawaii Cancer Center
Director, Liver Transplant Program, The Queens Medical Center



Affiliate of the National Marrow Donor Program ®

2228 LILIHA STREET, SUITE 105 • HONOLULU, HAWAII 96817
Phone (808) 547-6154 • Toll Free (877) HI-DONOR • Fax (808) 547-6979

April 2, 2013

COMMITTEE ON HEALTH

Senator Josh Green, Chair

Senator Rosalyn H. Baker, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S. L. Shimabukuro, Vice Chair

Re: Testimony in Support of HB399, HD1 (Proposed SD1) RELATING TO HEALTH

I am writing to register my support for HB 399, HD1 (Proposed SD1). I strongly feel that this bill will greatly benefit those volunteer donors of bone marrow, blood stem cells and living organs such as kidney. This bill will require certain private employers to grant paid time off for those employees who selflessly donate to save the lives of others in need.

Often, most donors must use their own personal vacation time or sick leave time off to donate. It puts a huge burden on the donor and if they cannot afford to take the time off of work, they are forced not to donate. In these difficult economic times, everyone is faced with financial obligations that limit their altruistic ways. More and more non-profit organizations such as the Hawaii Bone Marrow Donor Registry, The National Kidney Foundation of Hawaii and The Legacy of Life depend on the public to support our mission of saving lives. This bill will help encourage so many people to become donors by eliminating that fear of losing income in order to help another person.

Based on my experience working with donors and patients, I know this bill will help so many people in need.

Thank you for your time and consideration of my testimony. I can be reached at 808-547-6972 or renee.chung@hbmdr.org.

Sincerely,

Renee Chung
Donor Program Manager
Hawaii Bone Marrow Donor Registry



April 1, 2012

COMMITTEE ON HEALTH

Senator Josh Green, Chair

Senator Rosalyn H. Baker, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S. L. Shimabukuro, Vice Chair

From: Roy Naguwa

Date & Time of Hearing: 1:30pm, Wednesday, April 3, 2013

Re: Testimony in support of HB 399, HD1 (Proposed SD1) RELATING TO HEALTH

My name is Roy Naguwa I am a transplant recipient, I dialyzed for 4 years and had a kidney donated to me. I know a lot of people don't realize how grateful we are, because it is hard on your body and your health. Here in Hawaii it takes a few years to receive a kidney, I'm an AB positive blood type, I can receive type AB positive, type O positive, type A positive and type B positive but yet it took 4 years at the dialysis unit to receive a kidney and I got a type A positive. Every night before I go to sleep I pray and Thank my donor and all the donors for the organs they donated.

Thank You!

Roy Naguwa

Wednesday, April 3, 2013
1:30 pm, Conference Room 229

HB 399- Testimony in Support

To: Senator Josh Green, Chair, Committee on Health
Senator Rosalyn Baker, Vice Chair, Committee on Health
Senator Clayton Hee, Chair, Committee on Judiciary and Labor
Senator Maile Shimabukuro, Vice Chair, Committee on Judiciary and Labor

Re: HB 399 Testimony in Support

Senator Josh Green, Chair, Senator Rosalyn Baker, Vice Chair, Senator Clayton Hee, Chair, Senator Maile Shimabukuro, Vice Chair, and members of the Committee on Health, and the Committee on Judiciary and Labor, my name is Karissa Kinney and I am a Masters in Social Work student at Hawaii Pacific University. I strongly support HB 399.

Hawaii is ranked 17th in the nation for teen pregnancy and also has the lowest condom use in the nation (44%)¹. These numbers show that Hawaii needs a new sex education curriculum.

A study done in 2010 by faculty of University of Hawaii and Doctors in Hawaii showed that of their 100 participants (ages 14-19), 95% were sexually active². Another study done in 2011 surveyed seventh and eighth grade teachers in Hawaii. The researchers found that only 54% are qualified to teach comprehensive sex education and only 33% teach students how to use condoms³. This is directly linked to Hawaii's condom use rates.

There is a lack of comprehensive sex education that is necessary. I believe it is also necessary to provide comprehensive sex education throughout school, not only a few times throughout a student's school career. I can barely remember sex education in intermediate and high school. This needs to change. Hawaii's students deserve factual, comprehensive sex education to make better choices in their life.

Without a comprehensive curriculum, students will continue to learn facts from peers, or worse, become pregnant or contract a sexually transmitted disease. The new curriculum will help to lower pregnancy rates and raise condom use in teens.

Thank you for this opportunity to testify. I urge your support for HB 399.

¹ Accessed from <http://www.hhs.gov/ash/oah/adolescent-health-topics/reproductive-health/states/hi.html>

² Ahern, R., Frattarelli, L.A, Delto, J., and Kaneshiro, B., (2010). Knowledge of awareness of emergency contraceptive in adolescents. *Journal of Pediatric and Adolescent Gynecology*. Retrieved from: <http://www.sciencedirect.com.ezproxy.hpu.edu/science/article/pii/S1083318810001105>

³ Woo, G.W., Soon, R., Thomas, J.M., Kaneshiro, B. (2011). Factors affecting sex education in the school systems. *Journal of Pediatric and Adolescent Gynecology*. Retrieved from: <http://www.sciencedirect.com.ezproxy.hpu.edu/science/article/pii/S1083318810003748>



**TESTIMONY ON HOUSE BILL 399, HD 1, PROPOSED SD 1
RELATING TO HEALTH**

by
Stephen A. Kula, Ph.D., NHA
President & CEO
Legacy of Life Hawaii

Senate Committee on Health
Senator Josh Green, Chair
Senator Rosalyn H. Baker, Vice Chair

Senate Committee on Judiciary
Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair

Wednesday, April 3, 2013; 1:30PM
State Capitol, Conference Room 229

Chairs Green and Hee, Vice Chairs Baker and Shimabukuro, and members of the Senate Committees on Health and Judiciary:

Thank you for the opportunity to offer testimony on behalf of Legacy of Life Hawaii in strong support of HB 399, HD 1, PROPOSED SD 1, requiring private employers to allow employees to take paid leaves of absence for organ, bone marrow, or blood stem cell donation. Legacy of Life Hawaii also supports the requirement that restores employees returning from leave to the same or equivalent position and the employees' right of action to seek enforcement of these provisions.

For 25 years Legacy of Life Hawaii has been saving lives through the generosity of organ and tissue donors who have given the Gift of Life so others may live. Ultimately this measure will encourage more people to serve as donors and help save the lives of too many critically ill patients in need of these transplants.

405 N. Kuakini Street, Suite 810 Honolulu, HI 96817
Phone: (808) 599-7630 Toll Free: (877) 855-0603 Fax: (808) 599-7631

legacyoflifehawaii.org



I, therefore, urge this committee to give HB 399, HD 1, PROPOSED SD 1 your favorable consideration. Thank you for the opportunity to offer testimony on behalf of Legacy of Life Hawaii in strong support.

**From: Whitney Limm, MD
Queens Health Systems,
1301 Punchbowl Street,
Honolulu, HI 96813**

**To: Committee on Health
Senator Josh Green, Chair
Senator Rosalyn H. Baker, Vice Chair**

**Committee on Judiciary and Labor
Chairman, Clayton Hee**

Date & Time of Hearing: 1:30pm, Wednesday, April 3, 2013

Re: Testimony in support of HB 399, HD1(Proposed SD1)

My name is Whitney Limm. I am a physician at Queens Medical Center. I have been affiliated with the transplant team in Hawaii for many years and I appreciate the steps that the Legislature has taken to insure that transplantation continues to be an option for the people of Hawaii.

Over 400 people are waiting for a lifesaving transplant. Most are dependent on deceased donor organs. The average waiting time is based on blood type. For blood type B, a common type among Asians, the wait time is 10 years. That means over 1500 dialysis sessions while waiting.

The complication rates for donations are extremely low and the requested time off will allow them to have a full recovery.

Since the State adopted the policy less than a handful of employees, to my knowledge, have used the benefit. At most 40 to 50 people will be donating (split between kidney and bone marrow) annually, and not all donors are employed. **I strongly support HB 399, HD1** (proposed SD1) which requires certain private employers to allow employees to take paid leaves of absence for organ, bone marrow or peripheral blood stem cell donation.

I urge the committee to pass HB 399, HD1(Proposed SD1). It is an important step toward removing another barrier to organ & tissue donation and saving lives in Hawaii.

Thank you for your serious and thoughtful consideration of the bill and submitted testimony. I can be reached at 808-691-7715 or limm@queens.org for additional information or questions.

Sincerely,

Whitney Limm, MD

April 1, 2013

COMMITTEE ON HEALTH

Senator Josh Green, Chair

Senator Rosalyn H. Baker, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S. L. Shimabukuro, Vice Chair

Re: Testimony in Support of HB399, HD1 (Proposed SD1) RELATING TO HEALTH

Aloha, my name is David I. Yamada and I am a two (2)-time Bone Marrow and Leukapheresis donor. I was fortunate and extremely lucky to have been a match for an unrelated recipient in 2002. I also volunteer as an Ambassador for the Hawaii Bone Marrow Donor Registry for the past 11 years.

I am submitting my testimony in support for HB399, HD1 (Proposed SD1) to show my resolve that we will look beyond the almighty dollar, and stand resoundingly together as compassionate human beings.

If I may stress the need to understand that a mother, son, granddaughter or even a distant cousin's life maybe at stake, the potential donors must and should have the full support of their employer and community at large for time off. The selfless act of freely donating a precious part of themselves would be a travesty if it were hindered by a mere day off or lack of vacation time.

As a Store Manager at the time, it was very difficult to leave work. However, through special personal concessions I made with employer and owners of the company I was able to proceed with all the requirements to donate.

This bill HB399, HD1 (ProposedSD1), will help strengthen the donor's decision to step forward without the trepidation of wage loss or persecution from their company and employers.

It is imperative that you reconsider this measure to help save lives. I beseech your empathy on behalf of all the families who have endured this wretched chapter in their once peaceful existence.

My recipient and her family have been blessed with a healthy recovery and live a full life! I was granted the gift of meeting her and her Ohana 3 years later, I now have a daughter!

Thank you in advance for your consideration in this matter. For further questions or concerns, please call me at (808) 636-3286 or dyamada106@aol.com.

Sincerely,

David I. Yamada
Pharmacy Technician
Sam's Club/Walmart

April 1, 2013

COMMITTEE ON HEALTH

Senator Josh Green, Chair

Senator Rosalyn H. Baker, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S. L. Shimabukuro, Vice Chair

From: Patrick Gartside

Date & Time of Hearing: 1:30pm, Wednesday, April 3, 2013

Re: Testimony in support of HB 399, HD1 (Proposed SD1) RELATING TO HEALTH

My name is Patrick Gartside and I am writing as a living organ donor in support of HB 399, HD1 (Proposed SD1)

I strongly support HB 399, HD1 (Proposed SD1) which requires certain private employers to allow employees to take paid leaves of absence for organ, bone marrow or peripheral blood stem cell donation.

In 2005, I was matched by the Hawaii Bone Marrow Donor Registry to donate to a patient on the national registry. I donated peripheral blood stem cells which required several sessions of testing and preparations, as well as time off for the procedure. In 2008, I donated a kidney which required over a month off from work. I was fortunate to have had a paid leave of absence for the time of my donations. Without this allowance it is possible that I would have made a different choice.

Financial risk and burden should not stand in the way of life saving operations.

I ask that you please HB 399, HD1 (Proposed SD1) so there will be one less barrier between potential donors and critically ill patients.

Thank you for your consideration of this bill and my submitted testimony supporting it.

I can be reached at 808-256-6767 or patrick@patrickgartside.com for additional information or questions.

Sincerely,

Patrick Gartside

3623 McCorristion Street

Honolulu, HI 96815

March 28, 2012

COMMITTEE ON HEALTH

Senator Josh Green, Chair

Senator Rosalyn H. Baker, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S. L. Shimabukuro, Vice Chair

From: Sandy Webster-sandy_webster@hotmail.com

Date & Time of Hearing: 1:30pm, Wednesday, April 3, 2013

Re: Testimony in support of HB 399, HD1 (Proposed SD1) RELATING TO HEALTH

Aloha,

My name is Sandy Webster and I am writing in support of HB 399, HD1 (Proposed SD1). I am the recipient of 2 kidney transplants from living donors, my first in 1977 from my father and 1995 from my husband. Both my donors had quick and unremarkable recoveries and I'm still living life to the fullest. After we moved to Hawaii in 1999, we became involved with promoting organ donation. It was immediately apparent to us that there are organ donation challenges unlike the rest of the mainland. The best opportunity for any man, woman or child in Hawaii in need of a Gift of Life donation is to find a living donor. Unfortunately, I've heard potential donors express their concerns regarding no income while away from work recovering. No potential living donor should stress over deciding how to weigh the options of "missing work vs. saving a life." I have met countless living donors and they all say that donating was the most rewarding life event and the decision should be easy without having to second guess being away from work.

Passage of HB 399, HD1 (Proposed SD1) will help ease the decision to become a living organ donor and offer the Gift of Life to family members, friends, and who knows ... maybe even the person from the coffee shop! With the Gift of Life, recipients can live normal, long, productive lives ... I am proof of that.

Mahalo

Sandy Webster