

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

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COMMITTEE ON HEALTH

Rep. Della Au Belatti, Chair

Rep. Dee Morikawa, Vice Chair

Wednesday, February 6, 2013

10:30 a.m.

Room 329

SUPPORT FOR HB 412 - CERTIFICATES OF BIRTH

Aloha Chair Au Belatti, Vice Chair Morikawa and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered on behalf of the 5,800 Hawai'i individuals living behind bars, always mindful that approximately 1,500 individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HB 412 requires the DOH to establish a new certificate of birth for a person who provides a written request that DOH issue a new certificate of birth with a gender designation that differs from the gender on the original certificate of birth, a notarized statement from a licensed treating or evaluating physician, and official copy of name change if requesting a name change on the certificate of birth.

Community Alliance on Prisons is in strong support of this measure.

Mahalo for hearing this bill and for your anticipated thoughtful deliberation and passage of this civil rights measure.

Transgender persons face numerous obstacles in their daily lives.

For those who come in contact with the criminal justice system contact is complicated by the lack of a birth certificate reflecting their lived gender. Incarceration is difficult for all persons, and especially so for a transgender person when there is no clear protocol as to what facility would be appropriate in which to house the person.

We have been aware of many cases where a transgender person was placed in a facility according to the original birth certificate, not their lived gender, and because of this has been placed in harm's way.

National survey data from the World Professional Association for Transgender Health¹ indicate that transgender persons who are unable to obtain gender-congruent identity documents are less likely to be employed and more likely to face discrimination in employment and housing.

Forty percent (40%) of transgender persons report experiencing harassment and fifteen percent (15%) report being asked to leave a place of business as a result of showing identification that does not match their lived gender. Significant numbers of transgender persons have also experienced physical violence.

Transgender people of color experience these adverse outcomes at substantially higher rates.

The American Medical Association advises that *“transgender persons should have access to identity documents consistent with their gender identity and expression,”* and recommends that *“those permanently socially transitioned to another gender role”* not be made to *“involuntarily disclose their status as transgender.”*

The American Association of Motor Vehicle Administrators has also endorsed policies that would permit transgender drivers to obtain gender-congruent driver’s licenses without proof of surgery.

Community Alliance on Prisons, therefore, urges the committee to pass HB 412 so that all citizens of Hawai`i can enjoy life, liberty and the pursuit of happiness enshrined in our Constitution.

Mahalo for this opportunity to testify on this important bill.

¹ www.wpath.org/



HAWAII CATHOLIC CONFERENCE

6301 Pali Highway
Kaneohe, HI 96744-5224

Email: HLTTestimony@capitol.hawaii.gov
Hearing on: February 6, 2013 @ 10:30 a.m.
Conference Room: 329

DATE: February 3, 2013
TO: House Committee on Health
Rep. Della Au Belatti, Chair
Rep. Dee Morikawa, Vice Chair
From: Walter Yoshimitsu, Executive Director
Re: Strong Opposition to HB 412 Relating to Certificates of Birth

Honorable Chair and members of the House Health Committee, I am Walter Yoshimitsu, **representing the Hawaii Catholic Conference**. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii, which under the leadership of Bishop Larry Silva, represents Roman Catholics in Hawaii.

We oppose this bill because our church teaches that the altered condition of a member of the faithful under civil law does not change one's canonical condition, which is male or female as determined at the moment of birth.

Marriage between members of the same sex is not legal in the State of Hawaii. Passage of this legislation opens the door to marriage between members of the same sex. Almost 70% of the people of Hawaii made it clear in 1998 that marriage is between one man and one woman.

For matters like marriage, the Catholic Church considers only the genetic gender of the individual. Thus a male who undergoes surgery to become female could not marry a man, even if they were able to obtain a marriage license, because the church would regard this as a same-sex marriage of two males. Further, a female who undergoes surgery to become a male will not be able to marry a woman even though the state would now consider them as an opposite-sex couple.

Language in the bill states that the “**new certificate of birth shall not be marked as having been amended and shall in no way reveal the original language changed by the amendment**” Under this strict language, the Catholic Church, and other religious organizations, would have no way of knowing that the individual asking for marriage has assumed a different gender. That would indirectly put everyone in the position of inadvertently officiating over same-sex “marriages.”

During late 2008, Pope Benedict XVI said in a speech that our gender was a gift from the creator. He denounced those who would try to change it. He said: "It is a question here of faith in the Creator and of listening to the language of creation, the devaluation of which leads to the self-destruction of man and therefore to the destruction of the same work of God."

Please do not pass this disingenuous legislation. Mahalo for the opportunity to testify.



1350 S. King Street • Suite 309 • Honolulu, Hawaii 96814 • www.pphi.org • Phone: 808-589-1156 • Fax: 808-589-1404

February 2, 2012

Testimony in Support: HB 412

To: Chair Della Au Belatti, Vice Chair Dee Morikawa, and Members of the House Committee on Health
From: Katie Reardon Polidoro, Director of Public Affairs & Government Relations, Planned Parenthood of Hawaii
Re: Testimony in Support of HB 412, Relating to Certificates of Birth

Planned Parenthood of Hawaii (PPHI) supports HB 412, which allows for individuals to change their birth certificates to reflect their true gender and removes burdensome medical requirements from the existing process.

We have a core set of beliefs at PPHI, and among them is the belief that the free and joyous expression of one's own sexuality is central to being fully human. The ability to express one's gender without fear is crucial to every person's well being. In 2011, in recognition of the need for quality and reliable health care for transgendered individuals, PPHI will began providing transgender health care services at our Health Centers. We provide safe and compassionate preventive healthcare and screenings as well as hormone therapy.

Currently, the requirements for changing the gender on one's birth certificate include a medical sex reassignment procedure. This requirement is outdated and unnecessary. Transgendered individuals opt out of sex reassignment surgery for many reasons. For many, the cost of surgery is prohibitive. Others choose not to have surgery for more personal reasons. Especially in Hawaii, transgendered individuals have great difficulty in finding affordable and safe medical care. The current requirements are a significant barrier for transgendered people to obtain birth certificates and other identifying documents that accurately reflect who they are. Therefore, PPHI encourages this committee to pass HB 412. Thank you.

Honolulu Health Center
1350 S. King Street, Suite 310
Honolulu, HI 96814
808-589-1149

Kailua Kona Health Center
75-184 Hualalai Road, Suite 205
Kailua Kona, HI 96740
808-329-8211

Kahului (Maui) Health Center
140 Ho'ohana Street, Suite 303
Kahului, HI 96732
808-871-1176
(A Maui United Way Agency)

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WWW.HONOLULUPRIDEPARADE.ORG – HONOLULUPRIDEPARADE@GMAIL.COM

February 4, 2013

Wednesday, February 6, 2013 – 10:30 a.m.
House of Representative's Committee on Health
State Capitol – Room 329
415 South Beretania Street
Honolulu, HI 96813

RE: STRONG SUPPORT for House Bill 412

Aloha Chairperson Bellati and fellow committee members,

Honolulu Pride is Hawaii's oldest and largest lesbian, gay, bisexual, transgender, queer, questioning, and intersex (LGBTQI) pride and advocacy organization in the State of Hawai'i. We are writing to you in STRONG SUPPORT of House Bill 412.

HB 412 requires the Department of Health to establish a new certificate of birth for a person who provides a written request that DOH issue a new certificate of birth with a gender designation that differs from the gender on the original certificate of birth,

Your birth certificate is your foundational document for every other document that allows you to get a job, drive a car, travel – live your life and be a fully functioning member of society. When you have a birth certificate that does not reflect your true gender it inhibits you, no strike that it stops you from being a full member of society. This is why Honolulu Pride has testified in support every year a bill like HB 412 has come up for a hearing.

We hope that each and every member of this committee will stand on the right side of history and support HB 412.

Mahalo for the chance to testify and please do the honorable thing and pass HB 412 out of committee and support it until it signed into law.

Rob Hatch
Honolulu Pride
Legislative Representative



Written Testimony Presented Before the
House Committee on Health
Hawaii State Center for Nursing

February 6, 2013

By

Deborah B Gardner PhD, RN, FNAP, FAAN
Executive Director
Hawaii State Center for Nursing

HB 417 RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION

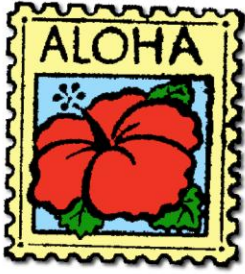
Chair Belatti, Vice Chair Morikawa and members of the House Committee on Health, thank you for this opportunity to provide testimony. The Hawaii State Center for Nursing (HSCN) is in support of this bill, HB 417, to appropriate funds as a grant to the Hawaii Health Systems Corporation (HHSC) primary care training program at the Hilo Medical Center.

We agree that the HHSC primary care training program is an effective way to reduce the impact of the shortage of primary care providers and improve access to healthcare throughout the State.

The HSCN supports the HHSC interdisciplinary program which includes the training for advanced practice registered nurses.

The HSCN appreciates your continuing support of nursing and education in Hawaii.

Thank you for the opportunity to testify.



Holly J. Huber

1519 Nuuanu Ave #154 • Honolulu, Hawaii 96817

(808) 554-7692 • hollyjhuber@gmail.com

TO: House Committee on Health
Hearing on February 6th in room 329 @ 10:30 AM

FROM: Holly J. Huber

DATE: February 3, 2013

RE: In support of HB412
Relating to Certificates of Birth

I support HB412 and urge you to pass this important civil rights measure.

Those in opposition would have you believe this bill promotes deception; that transgender people are out to trick people into accepting them. These arguments are ridiculous and offensive; they are based in ignorance and bigotry.

Please vote in favor of social justice and HB412.

morikawa2 - Shaun

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 03, 2013 12:32 PM
To: HLTtestimony
Cc: medman@prodigy.net
Subject: Submitted testimony for HB412 on Feb 6, 2013 10:30AM

HB412

Submitted on: 2/3/2013

Testimony for HLT on Feb 6, 2013 10:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Larry Quimby | Individual | Oppose | No |

Comments: If you feel this type of documentation is an absolute necessity, provide for AMENDED birth certificates, not replacement ones.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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morikawa2 - Shaun

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 04, 2013 7:11 PM
To: HLTtestimony
Cc: cstravelerhi@yahoo.com
Subject: Submitted testimony for HB412 on Feb 6, 2013 10:30AM

HB412

Submitted on: 2/4/2013

Testimony for HLT on Feb 6, 2013 10:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Craig Smith | Individual | Support | Yes |

Comments: This bill just makes sense and only a hater would be against this bill! Don't be a hater - support HB 412!

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morikawa2 - Shaun

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 04, 2013 8:39 PM
To: HLTtestimony
Cc: mack127osu@yahoo.com
Subject: *Submitted testimony for HB412 on Feb 6, 2013 10:30AM*

HB412

Submitted on: 2/4/2013

Testimony for HLT on Feb 6, 2013 10:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kristin | Individual | Oppose | No |

Comments:

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morikawa2 - Shaun

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 04, 2013 4:58 PM
To: HLTtestimony
Cc: lukeOcampbell@gmail.com
Subject: Submitted testimony for HB412 on Feb 6, 2013 10:30AM

HB412

Submitted on: 2/4/2013

Testimony for HLT on Feb 6, 2013 10:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Luke | Individual | Oppose | No |

Comments: Someone born male or female is a male or female .. not something else because they decide that they want to change for some reason. God did not make people one way for them to feel they got a raw deal: He made them exactly as they need to be. This is just another ruse to attempt to make Man in charge .. which he is not. Just like homosexuality, we didn't make the rules: God did. We need to follow them. Do you recognize the fact that within 50 years of a culture accepting things like this .. that it collapses? The family is the cornerstone of society, not the state - and when the state takes over, the society goes downhill. Use any example: Cuba, China, the "old" USSR, etc., etc., etc. This is a "NO".

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February 3, 2013

To: Rep. Della Au Belatti, Chair

Rep. Dee Morikawa, Vice Chair and

Members of the Committee on Health

From: Lisa Poulos

Re: HB412 relating to certificates of birth

Hearing: Wednesday, February 6, 2013, 10:30 AM, Room 329

Position: In opposition

I am writing in opposition of HB412. Birth certificates, like all legal documents, should reflect objective truth not subjective feelings or desires. To change a birth certificate from male to female or vice-versa because someone has “designated” they are a different gender or have anatomically changed their gender does not change the fact that their chromosomes are XX or XY. They are still male or female as they were at birth. In fact altering a birth certificate to anything other than what one was “born” as is an outright lie. It is not a “birth certificate”!

If we change a birth certificate according to a person’s “designated” gender then we must also change other facts on birth certificates to reflect other wants and desires. What if I feel more Hawaiian, Japanese or Native American than I feel German? If I have a deep love for the Hawaiian culture and feel more truly ethnically Hawaiian will I be able to change my parents ethnicity on my birth certificate to reflect that? If a birth certificate can be changed to reflect a person’s “designated” gender then it should be able to reflect one’s designated ethnicity also.

A birth certificate should reflect objective not subjective truth - truth based on the facts, not truth based on feelings, desires and actions. The objective truth is that a person is born either XX or XY; that does not change.

I ask that you would stand for truth and oppose HB412.

Thank you for your time and thoughtful consideration,

Lisa Poulos

morikawa2 - Shaun

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 05, 2013 9:53 AM
To: HLTtestimony
Cc: staciaohira@gmail.com
Subject: Submitted testimony for HB412 on Feb 6, 2013 10:30AM

HB412

Submitted on: 2/5/2013

Testimony for HLT on Feb 6, 2013 10:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Stacia Ohira | Individual | Support | No |

Comments: Aloha my name is Stacia Ohira and I writing this in support of HB412. I have been living my life as a woman for over 20 years and have worked in the professional field for many years as well. It is so difficult for me to just get on with my life because of the "gender" status on my birth certificate etc. I was hoping to get time off to testify in person so you can see me in person and I am sure you would agree with me that I am not a male or even born a male. I have adopted children and if people wanted to be mean to me they could research me and make it difficult for my children to live life as best as possible. Thank you for your time.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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February 3, 2013

To: Rep. Della Au Belatti, Chair

Rep. Dee Morikawa, Vice Chair and

Members of the Committee on Health

From: Kina Poulos

Re: HB412 relating to certificates of birth

Hearing: Wednesday, February 6, 2013, 10:30 AM, Room 329

Position: In opposition

Because of one specific provision I oppose HB412. The bill specifies that transgendered individuals may change the gender listed on their birth certificate without indicating the alteration. This provision will create much unneeded legal confusion. Gender is one of the most basic means our society uses for records and identification; much of our personal verification is based upon our birth certificate. Altering the original document will create many issues in all areas of life that ask for personal information.

I believe that this will negatively affect those who want to marry, and those who perform the ceremonies. How will a pastor, whose religious convictions would not allow him to marry transgendered persons, know when he is violating his conscience? Personally, I would like to marry one day. My convictions would prevent me from marrying a transgendered person. This new law could create the possibility of my opposing my convictions by unknowingly marrying a transgendered individual. A similar circumstance could occur in a marriage between a man and an individual who has had surgery to become a woman.

The Beatie case is an example of what can occur if this law is passed. This case involved a Hawaii woman who underwent surgery to become a man, and afterwards married. The "man" has given birth to three children. The couple, now living in Arizona, is attempting to obtain a divorce, but is involved in a messy legal problem. The judge has stated that by definition a man cannot give birth, and that would make the marriage a same-sex union, which is not recognized by Arizona law. Thus, a legal divorce cannot be granted. Problems of these kinds will commonly occur if this bill is passed.

What if a soon-to-be college student alters their birth certificate under this new law? Their birth certificate will list their gender differently than the one listed on their high school transcripts, which will require the school to spend extra time investigating the disagreement. Or a similar situation could result when a transgendered person seeks employment.

Please oppose this bill. Thank you for this opportunity to take part in my government, and for your consideration.

Mitchell Kahle
1519 Nuuanu Avenue #154, Honolulu, Hawaii 96817 • (808) 524-4040

HOUSE COMMITTEE ON HEALTH

DATE: Wednesday, February 6, 2013

TIME: 10:30 AM

PLACE: Conference Room 329, State Capitol

RE: Public Testimony in STRONG SUPPORT of HB412 RELATING TO BIRTH CERTIFICATES.

Tuesday, February 5, 2013

Dear Committee Members,

I am writing to express STRONG SUPPORT for HB412 that “Requires the DOH to establish a new certificate of birth for a person who provides a written request that DOH issue a new certificate of birth with a gender designation that differs from the gender on the original certificate of birth, a notarized statement from a licensed treating or evaluating physician, and official copy of name change if requesting a name change on the certificate of birth.”

Gender identity is a personal matter to be decided by the individual not government.

Please vote “YES” and help pass HB412.

Sincerely,

Mitchell Kahle
1519 Nuuanu Ave., #154
Honolulu, Hawaii 96187
524-4040