

Honolulu, Hawaii

APR 05 2013

RE: H.B. No. 399
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committees on Health and Judiciary and Labor, to which was referred H.B. No. 399, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Expand Hawaii's existing sexuality health education law;
- (2) Allow parents and legal guardians to request that their child be excused from any part of sexuality health instruction;
- (3) Require the Department of Education to provide information on the curricula to the public; and
- (4) Require minimum education and training requirements for sexuality health education teachers.

Your Committees received testimony in support of this measure from the Democratic Party of Hawaii, Gay, Lesbian, Bisexual and Transgender Caucus; Youth Services Network; and five individuals. Your Committees received testimony in opposition to this measure from the Department of Education.

Prior to the hearing on this measure, your Committees made available a proposed S.D. 1 for public review and comment. The



proposed S.D. 1 amends the measure by deleting its contents and inserting language to:

- (1) Require certain private employers employing fifty or more employees to allow employees to take paid leaves of absence of up to seven days each calendar year for bone marrow or peripheral blood stem cell donation and up to thirty days each calendar year for organ donation, under certain conditions;
- (2) Require employers to restore employees returning from leave for organ, bone marrow, or peripheral blood stem cell donation to the same or equivalent position; and
- (3) Establish a private right of action for employees seeking enforcement of the protections in this measure.

Your Committees received testimony in support of the proposed S.D. 1 from The Queen's Health Systems, United Public Workers, National Kidney Foundation, Hawaii Bone Marrow Donor Registry, Legacy of Life Hawaii, and six individuals. Your Committees received testimony in opposition to the proposed S.D. 1 from the Democratic Party of Hawaii, Gay, Lesbian, Bisexual and Transgender Caucus; and The Chamber of Commerce of Hawaii.

Your Committees find that Hawaii has the lowest rate of condom use among teens in the nation. As of 2010, Hawaii also had the seventeenth highest rate of teen pregnancy in the country. Your Committees further find that while the Department of Education has a sexuality health education policy, decisions about its implementation are left to the schools, which results in inconsistent administration and little accountability. Your Committees also find it necessary to require the Department of Education to implement statewide sexuality health education to address the State's high teen pregnancy and low condom usage rates.

Your Committees further find that private employers are not currently required to give employees paid time off for donating organs, bone marrow, or peripheral blood stem cells. Your Committees find that many people in the State who would otherwise donate these vital medical resources delay or altogether refrain from donation because they cannot take time off of work to do so. Your Committees find that legislation requiring employers to allow employees paid time off for organ, bone marrow, and peripheral



blood stem cell donation is necessary to provide life-saving medical resources to benefit citizens of the State in medical need.

Your Committees have amended this measure by:

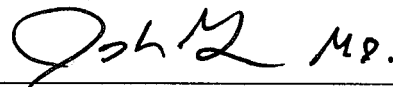
- (1) Retaining, as part I of the measure, all language of the measure except for subsection (f), which would have allowed a student to be excused from any part of sexuality health instruction upon request by a parent or legal guardian;
- (2) Inserting the contents of the proposed S.D. 1 as part II of the measure; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Health and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 399, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 399, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Health and
Judiciary and Labor,



CLAYTON HEE, Chair




JOSH GREEN, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* HB 399, HD 1	Committee Referral: HTH/JDL	Date: 4/03/13		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, Josh (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam			✓	
TOTAL	4	-	1	-
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

