

STAND. COM. REP. NO

917

Honolulu, Hawaii

March, 2013

RE: H.B. No. 411
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 411, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HOSPITAL EMERGENCY
COMPASSIONATE CARE FOR SEXUAL ASSAULT VICTIMS,"

begs leave to report as follows:

The purpose of this measure is to ensure that victims of sexual assault in Hawaii receive the nationally accepted standard of care by requiring hospitals providing emergency medical services to sexual assault victims to:

- (1) Provide medically and factually accurate and unbiased written and oral information about emergency contraception;
- (2) Orally inform each victim of the option to receive emergency contraception;
- (3) Offer emergency contraception to each victim when medically indicated;
- (4) Provide a full course of emergency contraception to each victim that accepts or requests it;
- (5) Ensure that providers responsible for prescribing or administering emergency contraception are trained to provide medically and factually accurate and unbiased

HB411 HD2 HSCR JUD HMS 2013-2487



written and oral information about emergency contraception, access to emergency contraception, and information about sexual assault treatment options; and

- (6) Authorize the Department of Health to enforce the provisions of this measure, including assessing penalties, and to make rules.

The Department of Human Services; Department of the Prosecuting Attorney of the City and County of Honolulu; Crime Victim Compensation Commission; Hawaii State Commission on the Status of Women; American Congress of Obstetricians and Gynecologists, Hawaii Section; Hawaii Medical Association; Sex Abuse Treatment Center; Planned Parenthood of Hawaii; Kaiser Permanente Hawaii; Gay Lesbian Bisexual and Transgender Caucus of the Democratic Party of Hawaii; Hawaii Women Lawyers; Hawaii State Democratic Women's Caucus; Honolulu Pride; League of Women Voters of Hawaii; Domestic Violence Action Center; Hawaii State Coalition Against Domestic Violence; Healthy Mothers Healthy Babies Coalition of Hawaii; American Civil Liberties Union; AAUW Windward Branch; Breastfeeding Hawaii; Community Alliance on Prisons; Progressive Democrats of Hawaii; and numerous concerned individuals testified in support of this measure. The Hawaii Catholic Conference, St. Francis Healthcare System, Hawaii Family Advocates, Hawaii Family Forum, and one concerned individual testified in opposition to this measure. The Department of Health and IMUAlliance provided comments.

Your Committee has amended this measure by:

- (1) Adding definitions of "compulsion" and "strong compulsion";
- (2) Removing language from the definition of "sexual assault" that would have included sexual intercourse with someone who is mentally incapacitated;
- (3) Specifying that the emergency contraception and care required under this measure is applicable to female sexual assault victims; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 411, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 411, H.D. 2.

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



KARL RHOADS, Chair



