
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT RULES RELATING TO
COUNSELING OF PREGNANT WOMEN WHO HAVE UNDERGONE PRENATAL
TESTING THAT ESTABLISHES OR IS LIKELY TO ESTABLISH A
DIAGNOSIS OF A DISABILITY.

1 WHEREAS, Down syndrome and other disabilities can be
2 prenatally diagnosed through tests such as maternal serum alpha-
3 fetoprotein, human chorionic gonadotropin and unconjugated
4 oestriol, amniocentesis, chorionic villus sampling, and through
5 noninvasive prenatal screening methods; and

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7 WHEREAS, these prenatal tests vary in their ability to
8 accurately diagnose prenatal disabilities; and

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10 WHEREAS, from 1987 to 1996, three hundred six cases of Down
11 syndrome were reported in Hawaii, forty-three per cent of these
12 cases were prenatally diagnosed, and the pregnancies in eighty-
13 six per cent of those prenatally diagnosed cases were electively
14 terminated; and

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16 WHEREAS, elective termination of pregnancies in prenatally
17 diagnosed cases has resulted in targeted discrimination against
18 not only Down syndrome cases, but other disabilities discovered
19 by various prenatal tests ranging from spina bifida to cleft
20 palate; and

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22 WHEREAS, selectively terminating pregnancies based on the
23 supposed mental or physical capacity of the fetus is a form of
24 discrimination often resulting from misinformation about quality
25 of life concerns and long-term care options; and

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27 WHEREAS, the Department of Health is authorized to adopt
28 rules to ensure that all pregnant women are offered appropriate



1 information and services relating to prenatal screening and
2 diagnosis; and

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4 WHEREAS; in many cases, after prenatal screening and
5 diagnosis has been administered, pregnant women do not receive
6 all applicable information on available resources to care for
7 children who are born after being prenatally diagnosed with
8 disabilities; now, therefore,

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10 BE IT RESOLVED by the House of Representatives of the
11 Twenty-eighth Legislature of the State of Hawaii, Regular
12 Session of 2016, the Senate concurring, that the Department of
13 Health is requested to adopt rules relating to counseling of
14 pregnant women who have undergone prenatal testing that
15 establishes or is likely to establish a diagnosis of a
16 disability, including but not limited to the following:

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18 (1) Requiring that medical professionals provide each
19 pregnant woman with information on where to obtain
20 support in all cases in which a prenatal test
21 establishes or is likely to establish a diagnosis of
22 Down syndrome or any other disorder amenable to
23 prenatal diagnosis;

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25 (2) Prohibiting persons from purposely performing or
26 inducing or attempting to perform or induce an
27 abortion on a pregnant woman for whom a prenatal test
28 establishes or is likely to establish a diagnosis of
29 Down syndrome or any other disorder amenable to
30 prenatal diagnosis until that person has knowledge
31 that the pregnant woman has received information about
32 prenatal, neonatal, and long-term care resources
33 available in the public and private domains, unless an
34 abortion is necessary to protect the life or health of
35 the pregnant woman;

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37 (3) Requiring the Department of Health to maintain an
38 updated list of national and local resources focused
39 on care beneficial to the life and well-being of a
40 child born with a mental or physical disability and
41 make this list available to medical professionals; and

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1 (4) Requiring medical professionals to maintain a record
 2 of counseling provided to pregnant women inclusive of
 3 the list of resources as provided by the Department of
 4 Health, which shall be subject to inspection routinely
 5 or as preferred or required by the Department of
 6 Health; and

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 8 BE IT FURTHER RESOLVED that certified copies of this
 9 Concurrent Resolution be transmitted to the Director of Health
 10 and the Executive Director of the Hawaii Medical Association.
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MAR 11 2016

