

SB501

Measure Title: RELATING TO HEALTH.

Report Title: Limited Service Pregnancy Centers; Disclosures; Privacy; Remedy

Description: Requires all limited service pregnancy centers to disclose the availability of and enrollment information for reproductive health services. Establishes privacy and disclosure requirements for individual records and information. Authorizes civil penalties and civil actions for enforcement and remedy.

Companion: HB663

Package: Women's Legislative Caucus

Current Referral: CPH/JDL, WAM

Introducer(s): INOUYE, BAKER, GREEN, KIDANI, K. RHOADS, SHIMABUKURO, TOKUDA, S. Chang, English, Espero, Ihara, Keith-Agaran, Kim, Kouchi, L. Thielen



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony COMMENTING on S.B. 501
RELATING TO HEALTH

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, PROTECTION AND HEALTH

SENATOR GILBERT S.C. KEITH-AGARAN, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR

Hearing Date: Friday, February 3, 2017

Room Number: 016

- 1 **Fiscal Implications:** S.B. 501 would require regulatory oversight of “limited service pregnancy
- 2 centers” by the Department of Health (DOH) not limited to civil penalties and civil actions for
- 3 enforcement and remedy which would include fiscal costs.

- 4 **Department Testimony:** We are providing comment on this bill that the DOH acknowledges
- 5 the importance of patients understanding their options for public programs that provide
- 6 immediate free or low-cost access to comprehensive family planning services. However, the
- 7 DOH does not have the resources nor the capacity to regulate and/or enforce the provisions in
- 8 this measure.

- 9 Thank you for this opportunity to testify.

DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

BRIDGET HOLTHUS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

February 2, 2017

TO: The Honorable Senator Rosalyn H. Baker, Chair
Senate Committee on Commerce, Consumer Protection, and Health

The Honorable Senator Gilbert S.C. Keith-Agaran, Chair
Senate Committee on Judiciary and Labor

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 501 – Relating to Health**

Hearing: February 3, 2017, 9:30 a.m.
Conference Room 016, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent; however, offers comments and suggested changes to address some concerns the Department has with referring people to Med-QUEST eligibility branch offices.

PURPOSE: The purpose of the bill is to ensure that Hawaii's women are able to make personal reproductive health decisions with full and accurate information regarding their rights to access the full range of health care services available to them.

DHS appreciates the intent of the bill to ensure that regardless of where a woman seeks information about reproductive health, there should be information about the full range of options, including how to obtain health insurance coverage should they be uninsured.

There is a technical and a substantive issue we would like to bring to the committees' attention. First, on page 3, lines 10-11, is a criteria in the definition of a limited pregnancy center "(1) is not a contracted provider with the department or with the Med-QUEST division". The majority of Medicaid providers are contracted with the Medicaid managed care health plans, and

may not be directly contracted with Med-QUEST. We suggest adding the following clarifying language after the words “Med-QUEST division” add “or Medicaid health plan”.

The bill also includes instructions that the limited pregnancy centers post information about where to apply for “immediate free or low-cost access to comprehensive family planning services”, and names DHS Med-QUEST eligibility branch offices. We recommend that, the statement say "to apply for medical insurance coverage that will cover the full range of family planning, prenatal care services, apply on-line at [mybenefits.hawaii.gov\[,\]](http://mybenefits.hawaii.gov[,])". The on-line application process for Medicaid insurance is significantly faster than submitting paper applications. MQD eligibility branch offices should not be listed to provide information about available medical services, as the eligibility branch office assists individuals with an application or maintenance of Medicaid insurance coverage. Staff of the MQD eligibility branch offices do not answer questions about the specific services named. Medicaid provides insurance coverage for a comprehensive set of health services; family planning and prenatal care being only a fraction of the services and recipient should contact their insurance plan for the information about specific services.

If the wording in the notice does continue to reference Med-QUEST offices, at a minimum, we suggest adding the words, “health care services, including” on page 4, line 6 after “access to comprehensive”. Including only information about comprehensive family planning implies Medicaid benefits are limited to these services, which they are not. We request that the language is clarified to reflect that the individual is being referred to Medicaid which provides coverage for comprehensive health care services.

Thank you for the opportunity to testify on this bill.



CONTACT

Interim Chair
PO Box 116
Honolulu, HI 96728
info@nwpchawaii.org
(808) 345-1668

January 31, 2016

TESTIMONY IN SUPPORT: SB 501: RELATING TO HEALTH

**HEARING BEFORE THE COMMITTEE ON HEALTH
2/3/17 9:30 AM, ROOM 016**

Dear Chair Baker and Chair Keith-Agaran

The Hawaii Chapter of the National Women's Political Caucus supports this measure. We believe that every woman has a right to real medical care and unbiased, evidence-based information. Pregnancy crisis centers defraud women when they are at their most vulnerable. Women who arrive at these "centers" seeking abortion services, a protected constitutional right, are sometimes frightened or delayed into having a child for which they are ill prepared. Believing they have visited a real medical clinic, these women may never receive the quality medical care, including critical prenatal care and counseling, to which every Hawaii woman is entitled.

We thank the Hawaii Women's Legislative Caucus for making this bill a priority this year.

Sincerely,
National Women's Political Caucus
Hawaii Chapter



INFO@NWPC.ORG



[NWPCHAWAII](https://www.facebook.com/nwpchawaii)



WWW.NWPC-HI.ORG

**LGBT
CAUCUS**

FORMED IN 2001



THE FIRST CAUCUS OF THE
**DEMOCRATIC PARTY
OF HAWAII**

January 31, 2017

Senate's Committees on Commerce, Consumer Protection, and Health as well as
Judiciary and Labor

Hawai'i State Capitol
415 South Beretania Street, Room 016
Honolulu, HI 96813

Hearing: Friday, February 3, 2017 – 9:30 a.m.

RE: **STRONG SUPPORT for Senate Bill 501** – RELATING TO HEALTH

Aloha Chairpersons Baker & Keith-Agaran, Vice Chairs Nishihara & Rhoads and fellow
committee members,

I am writing in STRONG SUPPORT to Senate Bill 501 on behalf of the LGBT Caucus of the
Democratic Party of Hawai'i. SB 501 requires all limited service pregnancy centers to disclose
the availability of and enrollment information for reproductive health services. Establishes
privacy and disclosure requirements for individual records and information. Authorizes civil
penalties and civil actions for enforcement and remedy.

The LGBT Caucus views this bill as a necessity for anyone seeking medical information
especially when you are talking about a women's right to know what is available to her.

We hope you all will support this important piece of legislation.
Mahalo nui loa,

Michael Golojuch, Jr.
Chair and SCC Representative
LGBT Caucus for the DPH

Senator Rosalyn H. Baker, Chair, Senator Clarence K. Nishihara, Vice Chair Committee on Commerce, Consumer Protection, and Health, And Members of the Senate Committee on Commerce, Consumer Protection, and Health

Senator Gilbert S.C. Keith-Agaran, Chair, Senator Karl Rhoads, Vice Chair Committee on Judiciary and Labor, And Members of the Senate Committee on Judiciary and Labor

From: Garret Hashimoto, Director, Aloha Pregnancy Care and Counseling Center

To: Joint Hearing of Senate Committees on Commerce, Consumer Protection, and Health, and Judiciary and Labor

Hearing Date: Thursday, February 3, 2017 Hearing Time: 9:30 a.m.

Testimony in Opposition to S.B. No. 501, Relating to Health

Thank you for this opportunity to testify. As Director of the Aloha Pregnancy Care and Counseling Center, one of the centers that would be adversely affected by this bill, we stand in opposition to this measure. We are proud of our record of serving all Hawaii women, regardless of income, and of providing free and meaningful access to effective reproductive health services for Hawaii's families, which is the stated intent of this measure. We believe this measure should be held in committee for the following reasons:

-- This bill amounts to compelled speech which is a violation of the First Amendment. Our government is prohibited from forcing a faith based organization to give a message which violates its fundamental principles.

-- This bill violates First Amendment guarantees of freedom of religion. Our pregnancy centers are faith based ministries that are prolife and oppose abortion. Such opposition to abortion means that as a matter of religious principle we do not perform or refer for abortion. This bill, if enacted, would mandate that we, as faith based ministries, violate our religious convictions and become abortion referral agencies.

-- This bill is currently identical to a law passed in 2015 by the California legislature. The California law is presently being challenged and is being appealed to the United States Supreme Court. It is expected that the high court will accept the appeal and, if so, argument on the merits of the law will be made this fall -- probably October. Since our legislature would not want to act too hastily, wisdom and prudence would dictate that our State not move ahead on this legislation until the current litigation is completed and the courts have determined the constitutionality of the law.

For these freedom of speech and freedom of religion reasons, and because a similar law in California is currently facing a United States Supreme Court challenge, please hold S.B. 501 and related measures for further study at this time. Thank you.



To: Hawaii State Senate Committee on Commerce, Consumer Protection and Health
Hearing Date/Time: Friday, Feb. 3, 2017, 9:30 a.m.
Place: Hawaii State Capitol, Rm. 229
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support of S.B. 501, relating to Health

Dear Chair Baker and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in strong support of S.B. 501, which seeks to require limited service pregnancy centers, otherwise known as “crisis pregnancy centers,” to disclose the availability of publicly-funded family planning services and to establish privacy protections and pregnancy test disclosure requirements. S.B. 501 will go far to ensure that women have the information they need to make private, fair, informed choices about their health care.

Anyone seeking health care should receive comprehensive, accurate, unbiased information in a confidential setting. Reproductive health care is no different. When women are fully informed, they are better able to make the best decisions for themselves about their personal health.

However, in Hawaii communities, limited service pregnancy centers are offering women biased, misleading, and even false pregnancy and health care information and denying women needed referrals for reproductive health services, and all the while failing to disclose that they are not actually licensed health care providers and have no duty to protect women’s private medical information.

Women in Hawaii deserve better. S.B. 501 will put in place commonsense protections to ensure that any woman seeking pregnancy testing services receives the information she needs to make decisions about her reproductive health.

Please support S.B. 501 to guarantee that all women receive the same basic standard of care.

Thank you for this opportunity to testify.

Sincerely,
Laurie Field
Hawaii Legislative Director and Public Affairs Manager



ONLINE TESTIMONY SUBMITTAL
Senate Committee on Commerce, Consumer Protection & Health
Senate Committee on Judiciary & Labor
Hearing on Friday, February 3, 2017 @ 9:30 a.m.
Conference Room #016

DATE: February 1, 2017

TO: **Senate Committee on Commerce, Consumer Protection & Health**
Senator Rosalyn Baker, Chair
Senator Clarence Nishihara, Vice Chair
Senate Committee on Judiciary & Labor
Senator Gilbert Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair

FROM: Eva Andrade, President

RE: Opposition to SB 501 Relating to Health

Aloha and thank you for the opportunity to submit testimony in support of this measure. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii. We oppose this bill because (1) it is a direct violation of freedom of speech, and (2) a similar bill in California is on current appeal to United States Supreme Court that will determine its constitutionality of law.

(1) SB 501 is a blatant attempt to force pro-life pregnancy centers to promote abortion and contraception which in many cases is a direct violation of their conscience and freedom of speech.

The government is prohibited from compelling a faith based organization to give a message which violates its fundamental principles. In fact, we find it quite perplexing that it forces centers "what to say" and then fines them if they don't "say it." Not only is this bad public policy, but it is also an unjust and dangerous public policy.

(2) This bill is identical to a law (AB775) passed in 2015 by the California legislature and was appealed in *National Institute of Family and Life Advocates v. Harris*. Although the U.S. Court of Appeals for the 9th Circuit upheld AB 775, it is currently on appeal in the United States Supreme Court. Our understanding is that it is expected that the high court will accept the appeal and, if so, argument on the merits of the law will be made this fall.

We simply ask that the Hawaii legislature not move ahead on this bill until the current litigation is completed and the courts have determined the constitutionality of the law. We respectfully ask that you hold this bill in committee.

Mahalo for the opportunity to submit written opposition to this bill.



Hawaii Women's Coalition

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair

DATE: Friday, February 3, 2017

TIME: 9:30 AM

PLACE: Conference Room 016

STRONG SUPPORT FOR SB501

Aloha Chairs Baker and Keith-Agaran, and members,

The Coalition is in strong support of this bill which seeks to require limited service pregnancy centers, otherwise known as “crisis pregnancy centers,” to disclose the availability of publicly-funded family planning services and to establish privacy protections and pregnancy test disclosure requirements.

These Centers that exist throughout the country are dangerous, deceptive and too often unregulated. Numerous investigations have found this to be so. Here is one investigation in New York City: <https://youtu.be/96yMIRwplmU>. There are similar reports in California and many other states.

These Centers prey on vulnerable women who are at critical points in their lives. They push a fanatical religious anti-choice agenda and are staffed by volunteers, many of them posing as medical personnel by wearing white coats and sporting stethoscopes.

One documentary interviewed a woman who wanted an abortion and mistakenly went to one of these “clinics” thinking she would get help. She was in a desperate financial situation and could not support another child or miss work. The crisis center “counseled” her into delaying the procedure and when she finally realized they were not going to help her, it was too late to terminate the pregnancy. This is a common tactic employed by these clinics when fear-based false information doesn’t work to achieve their objectives.

Please make these Centers tell the truth about who they really are require them to disclose the existence of real help, and real choices from family planning clinics and licensed medial professionals. Please pass this important bill out of committee.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai`i Women’s Coalition

Contact: annsreed@gmail.com Phone: 808-623-5676



Go for God!

February 1, 2017

TESTIMONY TO THE SENATE COMMITTEE ON COMMITTEE ON COMMERCE,
CONSUMER PROTECTION, AND HEALTH AND COMMITTEE ON JUDICIARY
AND LABOR

For Hearing on Friday, February 3, 2017, 9:30 a.m., Conference Room 016

By: Pastor Derald Skinner, *Calvary Chapel Pearl Harbor*
Board President: *A Place for Women in Waipio*

Re: Senate Bill No. 501 Relating to Health

Dear CHAIRPERSON, ROSALYN H. BAKER, VICE CHAIR, CLARENCE K.
NISHIHARA AND MEMBERS OF THE SENATE COMMITTEE ON COMMERCE,
CONSUMER PROTECTION, AND HEALTH AND CHAIRPERSON, GILBERT
S.C.KEITH-AGARAN, VICE CHAIR, KARL RHOADS AND THE OTHER MEMBERS
OF THE SENATE COMMITTEE ON JUDICIARY AND LABOR:

Thank you for the opportunity to testify IN OPPOSITION to S.B. 501.

As Pastor of Calvary Chapel Pearl Harbor and Board President of A Place For
Women in Waipio that serves women and families dealing with unplanned
pregnancies in our community, I definitely oppose H.B.501.

According to the United States Constitution,
Amendment I

Congress shall make no law respecting an establishment of religion, or
prohibiting the free exercise thereof; or abridging the freedom of speech, or
of the press; or the right of the people peaceably to assemble, and to
petition the government for a redress of grievances.

Calvary Chapel Pearl Harbor and one of it's ministries A Place for Women in
Waipio believes and exercises the teaching of the Son of God, the Lord and
Savior Jesus Christ, who said, *"The thief does not come except to steal, and
to kill, and to destroy. I have come that they may have life, and that they
may have it more abundantly."* (John 10: 10)

In ministering to the community at large we always try to help the hurting, console the confused, comfort the wounded, feed the hungry, bring hope to the forgotten and peace to every heart. All of this is done without government intrusion; freedom is the bedrock to our republic. The freedom of religion is placed at the top of our United States Constitution; with that freedom of religion is our deep-seated belief in life, liberty and justice for all, whereas, we cannot and will not promote abortion, which is the killing of a precious, innocent little baby. Please pick up a baby today and look into its eyes and see life, love and helplessness.

Let it be known first and foremost that our desire is not to fight with our Hawaii State Government, but rather to change the hearts to choose love and life for the unborn. I have seen abortion videos with the tearing and breaking of the baby's body parts from the womb; it is truly ghastly and I suggest you view it for conscience sake. Secondly, we counsel the women and men who regret what they have done; they come to us as broken people. Some have ventured into alcoholism, drug addiction, promiscuity resulting in STD's, emotional distress and depression especially at the time of the unbirthday of the aborted. Yet, when a decision is made to keep the baby and give this tiny little keiki love and life, no one is disappointed or depressed, challenged at times, but they're always filled with joy! Every life challenge can be easily met through ohana, church and community, which includes "We the People" of the State of Hawaii.

We know this law is a duplicate from the State of California, which is now making its way through the court systems, costing tremendous legal fees until it reaches the Supreme Court of the United States of America.

S.B. 501 is not Constitutional, moral, or fiscally prudent. S.B. 501 will not provide "aloha" for all, it creates more problems than solutions; it is not needed and is unwanted.

Faith based organizations and the State of Hawaii can work together resolving our differences without stepping on freedom. We hope and pray that you will halt and oppose S.B. 501.

Thank you for the opportunity to submit this testimony.



February 1, 2017

TESTIMONY TO THE SENATE COMMITTEE ON COMMITTEE ON COMMERCE,
CONSUMER PROTECTION, AND HEALTH AND COMMITTEE ON JUDICIARY
AND LABOR

For Hearing on Friday, February 3, 2017
9:30 a.m., Conference Room 016

By: Sue Skinner
Executive Director, A Place for Women in Waipio

Re: Senate Bill No. 501

Relating to Health

Dear CHAIRPERSON, ROSALYN H. BAKER, VICE CHAIR, CLARENCE K. NISHIHARA AND MEMBERS OF THE SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH AND CHAIRPERSON, GILBERT S.C.KEITH-AGARAN, VICE CHAIR, KARL RHOADS AND THE OTHER MEMBERS OF THE SENATE COMMITTEE ON JUDICIARY AND LABOR:

Thank you for the opportunity to testify IN OPPOSITION to SB 501.

As the executive director of a pro-life pregnancy resource center that serves women and families dealing with unplanned pregnancies and abortion recovery in our community, I have serious concerns about this bill. A Place for Women in Waipio is a ministry of Calvary Chapel Pearl Harbor that opened its doors to show the love of Christ to women while educating them about all their options when facing an unplanned pregnancy. Many women find themselves scared and they need to understand all the ramifications about the important life decisions they will be making. They need help seeing hope in their situation.

Calvary Chapel Pearl Harbor and I both believe that abortion is the murder of an innocent life and wounds men and women. A Place for Women in Waipio's core principle is that we do not refer nor perform abortions. This core principle stems from the religious beliefs of the church we serve under



as well as the years of experience I personally have in counseling people wounded by abortion. I have seen first hand through the abortion recovery classes we offer the devastating effects that abortion can have on the lives of women and men.

If passed, SB 501 requires my church and I to, in essence, become an abortion referral agency, which is in direct conflict with our religious beliefs. As an American, I should never be placed in the position to promote something against my fundamental religious principles. This form of compelled speech is a violation of our First Amendment rights of freedom of speech as well as freedom of religion.

SB 501 is nearly identical to a law passed in 2015 by the State of California that is currently being challenged in the Ninth Circuit Court. Though the Ninth Circuit Court of Appeals denied the plaintiffs request for a preliminary injunction, it is being appealed to the United States Supreme Court. It is expected that the high court will accept the appeal. If the appeal is accepted, arguments may be heard as early as this coming fall. Since the constitutionality of this law is in question, it would be prudent for Hawaii to not move ahead until the current case is completed and whether or not the law is determined constitutional.

I urge you to oppose SB 501. Thank you for the opportunity to submit testimony.



HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

SHERRY CAMPAGNA
CYD HOFFELD
JUDY KERN
MARILYN LEE
AMY MONK
LISA ELLEN SMITH

Executive Director
Catherine Betts, JD

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February 3, 2017

To: Senator Rosalyn H. Baker, Chair
Senator Clarence K. Nishihara, Vice Chair
Members of the Senate Committee on Commerce, Consumer
Protection and Health

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary and Labor

From: Cathy Betts
Executive Director, Hawaii State Commission on the Status of Women

Re: Testimony in Support, SB 501, Relating to Health

Thank you for this opportunity to testify in strong support of SB 501, which would ensure women in Hawaii are provided medically accurate information regarding their reproductive health, including information on how to access the full range of healthcare services and programs available to them.

Anyone seeking health care deserves to be provided with medically accurate, unbiased, and comprehensive information about their health and their choices. When individuals have a full range of information and are able to provide informed consent, they make better health choices for themselves and their families.

Limited Service Pregnancy Centers, also called “crisis pregnancy centers”, often utilize misleading and false information about reproductive health. Additionally, these centers are under no obligation to inform “patients” that they are not actually licensed health care providers or practitioners, and that they have no duty to safeguard medical information provided to them. These centers are commonly tied to religious organizations with stanch positions on contraceptive use and reproductive health care.

SB 501 provides common sense regulations and reasonable enforcement for these centers, which operate under the guise of helping vulnerable women and girls. The Commission strongly supports SB 501. Thank you for this opportunity to provide testimony in support.

TESTIMONY to Senate Committee on Commerce, Consumer Protection, and Health
&
Senate Judiciary and Labor Committee

Regarding: S.B. 501 Relating to Health

Friday, February 3, 2017

9:30 AM State Capitol Conference Room 016

Submitted in **OPPOSITION** by: Hawaii Federation of Republican Women

Chairs Baker and Keith-Agaran; Vice Chairs Nishihara and Rhodes, and Committee Members:

We **OPPOSE SB501** Hawaii should not waste important time and funds to force this unconstitutional provision upon our residents. It is also abusive to the pro-life centers to threaten heavy fines if this coercive mandate isn't followed.

Most of the organizations targeted in this bill have made a decision not to associate with government programs and reject government programs because they have determined that those programs and services have a high potential to harm women.

This bill promotes services that can be harmful to the client/visitor's health. Warning signs would be more appropriately placed around facilities providing abortion and contraceptives since many of these services can lead to severe physical, emotional, and psychological health risks including breast cancer, blood clots, stroke, suicidal inclinations, etc..

This overreach of legislation is abusive and has been found to be unconstitutional in other states. Similar bills have been struck down by the in Texas, Maryland, and New York.

Vote NO on SB501.

Respectfully submitted,

Fern Mossman, President HFRW



Malama Pregnancy Center of Maui

offering help & hope...

TESTIMONY to Senate Committee on Commerce, Consumer Protection, and Health & Senate Judiciary and Labor Committee

Regarding: S.B. 501 Relating to Health

Friday, February 3, 2017

9:30 AM -- State Capitol Conference Room 016

Submitted in **OPPOSITION** by: Joy Wright, Malama Pregnancy Center of Maui

Chairs Baker and Keith-Agaran; Vice Chairs Nishihara and Rhodes, and Committee Members:

Thank you for the opportunity to testify in opposition to S.B. 501.

As the Executive Director of a pregnancy resource center that values the sanctity of life and the unborn I have serious concerns about this bill. One concern is that the proposed bill would effectively censor the voice of the pregnancy center to compelled speech which is a violation of the First Amendment. The First Amendment of the United States Constitution protects pregnancy centers from a law of this nature. The government is prohibited from compelling a faith based organization to give a message which is in direct opposition and violation of its fundamental principles.

In addition, the proposed bill also violates First Amendment guarantees of freedom of religion. Pregnancy centers are faith based ministries that are life-affirming and not in favor of abortion. The pregnancy center's opposition to abortion simply translates that as a matter of religious principle they do not perform or refer for abortion. This law, if enacted, would mandate that such faith based ministries violate their religious convictions and become abortion referral agencies.

The underlying truth of this bill is not difficult to identify. S.B. 501 specifically targets Christian life-affirming nonprofit and privately funded pregnancy centers to; silence their voice and First Amendment right to oppose abortion, encourage potential clients to seek state funded programs that promote abortion, and lastly to force the center and its staff and volunteers to violate their convictions by referring clients for an abortion. Our state legislators need to stop bringing all of California's bad ideas to Hawaii. It is interesting to note that similar bills have been struck down in Texas, Maryland, and New York. Hawaii should not waste important time and funds to force this unconstitutional provision upon our residents. It is irrational to continue to pursue this type of legislation. It is also abusive to the pro-life centers to threaten heavy fines if this coercive mandate isn't followed.



Malama Pregnancy Center of Maui

offering help & hope...

This bill is an insult to women and implies the need of oppressive government mandates to "take care" of them. Women are smart and can make the appropriate choices regarding service providers. It is a bias bill in that abortion providers and primary care clinics are excluded from the mandate. If lawmakers in Hawaii are proposing this bill, shouldn't abortion providers post a sign notifying their clients of their rights, and alternative programs such as pregnancy centers that would allow them to exercise their reproductive right? Abortion and contraceptive sales staff should not expect free advertising in limited space that exists in pregnancy center. The government should not be allowed to interfere in the transactions of private organizations. Pregnancy centers should be afforded their First Amendment rights per the United States Constitution.

This overreach affecting our choice to use limited service pregnancy centers is abusive and has been found to be unconstitutional in other states. **Vote NO on SB501.**

**American Congress of Obstetricians and Gynecologists
District VIII, Hawaii (Guam & American Samoa) Section**



TO: Senator Rosalyn H. Baker, Chair – Senate Committee on
Commerce, Consumer Protection, and Health
Senator Gilbert S.C. Keith-Agaran, Chair – Senate
Committee on Judiciary and Labor

DATE: Friday, February 3, 2017
PLACE: Conference Room 016

FROM: Hawaii Section, ACOG
Dr. Greigh Hirata, MD, FACOG, Chair
Dr. Jennifer Salcedo, MD, MPH, MPP, FACOG, Vice-Chair
Lauren Zirbel, Community and Government Relations

**Statement of the Hawaii Section of the American Congress of Obstetricians and Gynecologists
SB 501: SUPPORT & SUGGEST ADDITIONS**

The Hawaii Section of the American Congress of Obstetricians and Gynecologists (HI ACOG) supports SB 501 and other legislative proposals that increase the transparency of healthcare services and promote the provision of medically acute information to patients. As a Section of the Nation's leading group of physicians dedicated to improving health care for women, HI ACOG represents more than 200 obstetrician/gynecologist physicians in our state.

**Limited Service Pregnancy Centers (Crisis Pregnancy Centers) Mislead Women and Delay
Important Reproductive Healthcare**

- Limited service pregnancy centers, also known as crisis pregnancy centers, are a growing threat to women's health. These centers exist in order to dissuade and prevent people facing unintended pregnancy from accessing safe abortion care and other reproductive health services.
- Limited service pregnancy centers often provide medically inaccurate information and perform medical exams without a licensed or qualified clinician. They target women who are faced with unintended pregnancy and lack access to care by offering free pregnancy testing, ultrasounds, counseling, or prenatal care to vulnerable women without providing clear information about the limits of services offered or medically indicated referrals to qualified healthcare providers.
- Visits to limited service pregnancy centers often result in delays in accessing prenatal care, sexually transmitted infection testing and treatment, appropriate care following sexual assault, an other medically indicated reproductive health services, particularly for women with language barriers, limited financial resources, or limited health literacy.
- Personal health and other sensitive information disclosed to personnel at limited service pregnancy centers are not legally protected as is similar information provided to licensed healthcare providers.
- Several states and municipalities have proposed legislation to protect the public from the deceptive practices of limited service pregnancy centers. Most notably, California recently enacted the Reproductive Freedom, Accountability, Comprehensive Care, and Transparency (FACT) Act. Similar to SB 501, the FACT Act requires that licensed pregnancy-related clinics disseminate a notice stating the existence of publicly-funded family-planning services, including contraception and abortion. The FACT Act also requires that unlicensed clinics disseminate a notice stating that they are not licensed by the State of California. The FACT Act was upheld by

the United States Court of Appeals for the Ninth Circuit in October of 2016. The Ninth Circuit also maintains appellate jurisdiction over Hawai'i.

Therefore, **our ACOG section strongly support SB 501 and urges the Legislature to consider additional language to further inform and protect the public.**

- We recommend amending the required written notice to include language informing potential clients that the clinic does not provide abortion services or abortion referrals, and that only ultrasounds performed by qualified healthcare professionals and read by licensed clinicians should be considered medically accurate.

We stand ready to provide you with factual information on women's health issues that come before the Legislature and hope you will contact us at any time.



ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII

Hawaii Catholic Conference
The Public Policy Voice of the Roman Catholic Church in the State of Hawaii



DATE SUBMITTED: February 1, 2017

TO: Senate Committee on Human Services and Health
Senate Committee on Judiciary
HEARING DATE: February 3, 2017 at 9:30 a.m. in room 016
SUBMITTED BY: Walter Yoshimitsu, Executive Director
POSITION: **Opposition to SB 501 Relating to Health**

The Hawaii Catholic Conference is the official public policy voice for the Roman Catholic Church in the State of Hawaii. SB 501 would require licensed covered facilities that provide family planning or pregnancy-related services to disseminate a notice to all clients stating that every pregnant woman has the right to decide whether to have a child or to obtain an abortion.

We oppose this bill because SB 501 violates First Amendment Free Speech guarantees by coercing entities and individuals to engage in speech contrary to their own moral and ethical perspectives. On its surface, the bill pretends to want to “regulate” the state’s pregnancy centers/clinics, however this unfair legislation may discourage pregnant women from getting the assistance that they need and deserve. In addition, it will expose many of these pregnancy centers/clinics, including its directors and board members, to needless criminal or civil sanctions for failure to comply.

These centers, which provide free care to all clients and help save taxpayer money, offer a wide range of pregnancy related counseling and services to women. While well intentioned, we believe SB 501 unfairly targets these centers because of their viewpoints, a direct violation of freedom of speech protections. Because the legal requirements of SB 501 do not apply to Hawaii family planning providers that offer abortion services, the law clearly mandates viewpoint-based speech discrimination, in violation of the First Amendment.

Furthermore, many of these clinics are operated and staffed by entities and individuals who are opposed to abortion on religious grounds. The bill effectively requires these clinics and their employees to be accessories in the provision of abortion services, in violation of their rights to free exercise of religion. Many women in Hawaii receive free care and support from these centers every year. To protect their First Amendment rights, we respectfully request you hold SB 501 in committee.

Finally, the Hawaii Catholic Conference is strongly opposed to SB 501 because we believe all life is sacred, we support programs which offer medical, economic and emotional support. Mahalo for the opportunity to testify.

Testimony to Senate Committee on Commerce, Consumer Protection and Health
&
Senate Judiciary and Labor Committee

Regarding: S.B. 501 Relating to Health

9:30 AM - - State Capitol Conference Room 016

Submitted in OPPOSITION BY: Ruth Prinzivalli, President of The Pearson Foundation of HI, Inc.,
Pregnancy Problem Centers

To: Chairs Baker and Keith-Agaran; Vice Chairs Nishihara and Rhodes, and Committee Members:

I strongly oppose SB501

The purpose of most Pregnancy Counseling Centers is to provide accurate and comprehensive information on all the options available when faced with an unplanned pregnancy, so that our clients can make an **unpressured** and **educated** decision. Most are staffed by trained **volunteers** who are dedicated to serving women and men who may be facing an unplanned pregnancy. We are aware of the many physical and psychological side effects of taking the life of one's own baby growing in her womb and we encourage our clients to carefully evaluate and understand all the options available to them so they can make an educated choice.

To encourage, by posting (advertising) a method we feel is harmful to women just doesn't make sense. It also goes against our freedom of speech.

Would you require a Vegan Restaurant or Health Food Store to post a list of all the Fast Food restaurants or Steak Houses in a prominent place on their premises? It just isn't logical and it undermines the whole reason for these establishments which is to provide healthy alternatives.

We don't prevent anyone from getting an abortion if that is what they decide they want. Anyone can just Google and find a location. But Pregnancy Counseling Centers shouldn't be forced to advertise for them when we feel that it is extremely harmful to the well being of their clients.

For many of us it is also a matter of what we hold in faith as Christians. You might have heard, going back to the 10 Commandments, "Thou Shalt Not Kill". So by being forced to advertise Abortion, the killing of a baby in the womb, it goes against our Faith. I believe that then would be against our US Constitution as well.

For these basic reasons, I hope you will reconsider this illogical bill, the purpose of which seems to only undermine these Pregnancy Centers. Please vote no.



February 2, 2017

Regarding: S.B. 501 Relating to Health

Friday, February 3, 2017

9:30 AM -- State Capitol Conference Room 16

Submitted in **OPPOSITION** by: Janet Grace, Coordinator, HLA

Chairs Baker and Keith-Agaran; Vice Chairs Nishihara and Rhodes,
and Committee Members:

From: Janet Grace, Coordinator, Hawaii Life Alliance

Hawaii Life Alliance is comprised of organizations statewide in Hawaii who believe in the sanctity of life, that life begins at conception and ends through natural death.

Hawaii Life Alliance thanks you for the opportunity to strongly OPPOSE S.B.501.

This measure is problematic as it will force faith-based pregnancy resource centers to violate their First Amendment Right of Free Speech through compelled speech, or in others words, telling their clients something they do not want to say.

We all know government is not allowed to compel faith based groups to give a message that violates its fundamental principles.

The law violates First Amendment guarantees of freedom of religion. The pregnancy resource centers are faith based ministries that are pro life and oppose abortion. Such opposition to abortion means that a matter of religious principle they do not perform or refer for abortion. If this law is enacted, would mandate that such faith based ministries violate their religious convictions and become abortion referral agencies.



The bill is similar to a law passed in 2015 by the California legislature, which is expected to be reviewed by the United States Supreme Court, possibly this year. It is expected that the high court will accept the appeal and, if so, argument on the merits of the law will be made this fall, probably in October. Prudence would dictate that Hawaii not move ahead on this legislation until the current litigation is completed and the court has determined the constitutionality of the law.

For the reasons stated, I strongly oppose S.B.501 and ask that you do not vote it out of committee.

Mahalo.

Aloha Life Advocates

Aloha Pregnancy Care & Counseling
Centers of Hawaii

A Place for Women

Christian Coalition of Hawaii

Christian Legal Society of Hawaii

Hawaii Catholic Conference

Hawaii Family Advocates

Hawaii Family Forum

Ohana Policy Group

PEACE Hawaii

The Pearson Foundation of Hawaii, Inc.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 9:49 PM
To: CPH Testimony
Cc: kathleencw@outlook.com
Subject: Submitted testimony for SB501 on Feb 3, 2017 09:30AM

SB501

Submitted on: 2/1/2017

Testimony for CPH/JDL on Feb 3, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Tracey Whitehurst	Aloha Pregnancy Center	Oppose	Yes

Comments: Dear chairpersons & committee members: Thank you for the opportunity to testify in opposition to SB 501. This proposed bill is in violation of our constitutional rights of freedom of speech and freedom of religion. Pregnancy centers are pro-life, faith based organizations. Why in the world should we be required to provide information on how and where to receive abortions? We are there to help people choose life for their babies, not to tell them where they can go to have those babies killed. This proposed law would mandate that we violate our religious convictions. This bill also amounts to compelled speech which is also a violation of the 1st amendment. I urge you all to vote no on this proposed bill. Thank you. Tracey Whitehurst

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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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 12:49 PM
To: CPH Testimony
Cc: alohawhitcombs@icloud.com
Subject: Submitted testimony for SB501 on Feb 3, 2017 09:30AM

SB501

Submitted on: 2/1/2017

Testimony for CPH/JDL on Feb 3, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
lindsey whitcomb	Individual	Support	No

Comments: I am writing as a woman, a mother, and as a healthcare professional. Everyone deserves access not only to healthcare, but unbiased and factual care that is free of coercive and manipulative tactics, done with the intent to sway the patient's fundamental right to make a fully informed choice about their health and future. Please support this bill to regulate crisis pregnancy centers. The public has the right to know that these places are not, in fact, necessarily providing fact-based care and their rights and privacy are not being protected. Mahalo.

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SB501: Testimony

As an individual who went through a 'pregnancy crisis' at the age of 16, I know how important it is to have health care providers that put forth all options. Under the stress of an unplanned pregnancy, you are not in the best state to evaluate all potential paths, and may rely on your first source of information. Ensuring that such information is complete and accurate at all locations a woman seeks pregnancy services is imperative for the person to make the choice that is best for her, her family, and her circumstances. I support SB501 because I believe in complete and informative care for all women, in all situations.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 11:19 AM
To: CPH Testimony
Cc: rebecca.ji.soon@gmail.com
Subject: Submitted testimony for SB501 on Feb 3, 2017 09:30AM

SB501

Submitted on: 2/1/2017

Testimony for CPH/JDL on Feb 3, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Rebecca Soon	Individual	Support	No

Comments: Aloha Chairs Baker and Keith-Agaran and members of the CPH and JDL Committees, I am writing in strong support of House Bill 663 and companion Senate Bill 501, which seeks to ensure health care in our state is accurate, accessible, and private. Anyone seeking health care should receive comprehensive, accurate, unbiased information in a confidential setting. Reproductive health care is no different. When women are fully informed, they are better able to make the best decision for themselves about their personal health. However, in Hawaii communities, Limited Service Pregnancy Centers (LSPCs) are offering women biased, misleading, and even false pregnancy and health care information and denying women needed referrals for reproductive health services, all while pretending to be legitimate health care providers. Worse, many of these centers target teenage girls and may be their only resource for information about their options during an unwanted pregnancy. Women in Hawaii deserve better. House Bill 663 and Senate Bill 501 will put in place commonsense protections to ensure that any woman seeking pregnancy testing services receives the information she needs to make decisions about her reproductive health. These bills will require LSPCs to protect the privacy of health care information collected, provide women with information on their full range of reproductive health options, and disclose that they do not provide all options for clients. I would even encourage the requirements go further to require these facilities to inform clients and patients that they are not medical facilities. Many of these centers look like clinics, their staff wear medical scrubs, and they provide ultrasounds and other medical services. This leads women to believe they are receiving the same services they would in a medical facility. Mahalo for your leadership in putting this bill forward. Please support House Bill 663 and Senate Bill 501 to guarantee that all women receive the same basic standard of care. Mahalo, Rebecca Soon

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Hearing Date: February 3, 2017 (0930 AM)

To: Members of the Committee on Commerce, Consumer Protection, & Health and Members of the Committee on Judiciary & Labor

From: Ghazaleh Moayedi, DO

Re: SB 501 – Limited Service Pregnancy Centers

Position: Strong support with suggested additions

Dear Senators Rosalyn Baker, Clarence Nishihara, Gilbert Keith-Agaran, Karl Rhoads, and Members of the Committees on Commerce, Consumer Protection, & Health and Judiciary & Labor:

I am physician working at the University of Hawaii, John A. Burns School of Medicine, Department of Obstetrics, Gynecology, and Women's Health. I provide comprehensive obstetrics and gynecology services. I am writing in strong support of SB 501.

Limited service pregnancy centers, also known as crisis pregnancy centers, are a growing threat to women's health. These centers exist in order to dissuade and prevent people facing unintended pregnancy from accessing abortion care. Limited service pregnancy centers rely on deception – they often provide medically inaccurate information and perform medical exams without a licensed or qualified clinician. They target women who are faced with unintended pregnancy and lack access to care by offering free pregnancy testing, ultrasounds, counseling, or prenatal care.

As a physician that also provides abortion care, I have many patients who fall victim to these pregnancy centers. I recently had a patient that received an ultrasound at one of these clinics for pregnancy dating. When she asked for the ultrasound report so that she could obtain abortion services, the clinic refused to provide her records to her. Another patient of mine had been raped, became pregnant, and presented to a local limited service pregnancy center for pregnancy options counseling. Instead of offering her referrals for sexually transmitted disease testing, emergency contraception, and rape survivors' counseling, she was subjected to a "counseling session" on why she should not have an abortion. This purported health center re-traumatized my patient.

Several states and municipalities have proposed legislation to protect the public from the deceptive practices of limited service pregnancy centers. Most notably, California recently enacted the Reproductive Freedom, Accountability, Comprehensive Care, and Transparency (FACT) Act. Similar to SB 501, the FACT Act requires that licensed pregnancy-related clinics disseminate a notice stating the existence of publicly-funded family-planning services, including contraception and abortion. The FACT Act also requires that unlicensed clinics disseminate a

notice stating that they are not licensed by the State of California. The FACT Act was upheld by the United States Court of Appeals for the Ninth Circuit in October of 2016. The Ninth Circuit also maintains appellate jurisdiction over Hawai'i.

Therefore, **I strongly support SB 501 and urge the Legislature to consider additional language to further inform and protect the public** – similar to the FACT Act.

- Recommend specifying that all women should have access to safe, effective, and medically accurate reproductive health care services.
- Recommend amending the required written notice to include language that informs potential clients that: the clinic does not provide abortion services or abortion referrals, that only ultrasounds performed by a qualified health care provider and read by licensed clinicians are medically accurate, and that this clinic is not required to provide patients with medically accurate information.

I stand ready to provide you with factual information on women's health issues that come before the Legislature and I hope you will contact me at any time.

Please protect Hawaiian families from deceptive health centers by passing SB 501.

Aloha,

A handwritten signature in black ink, appearing to be 'Ghazaleh Moayedi', written in a cursive style.

Ghazaleh Moayedi, DO
1319 Punahou Street, St 824
Honolulu, HI 96826
gmoayedi@hawaii.edu

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 9:25 AM
To: CPH Testimony
Cc: erica.yamauchi@gmail.com
Subject: Submitted testimony for SB501 on Feb 3, 2017 09:30AM

SB501

Submitted on: 2/1/2017

Testimony for CPH/JDL on Feb 3, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Yamauchi	Individual	Support	No

Comments: Strong support

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Hearing Date: February 3, 2017 (0930 AM)

To: Members of the Committee on Commerce, Consumer Protection, & Health and Members of the Committee on Judiciary & Labor

Re: SB 501 – Limited Service Pregnancy Centers

Position: Strong support with suggested additions

Dear Senator Baker, Senator Nishihara, Senator Keith-Agaran, Senator Rhoads, and Members of the Committee on Commerce, Consumer Protection, & Health and the Committee on Judiciary & Labor:

I am an Assistant Professor at the University of Hawai'i, John A. Burns School of Medicine, Department of Obstetrics, Gynecology and Women's Health. I was raised in Honolulu, and have been an obstetrician-gynecologist providing comprehensive reproductive health services here for the last 16 years. I am writing in strong support of Senate Bill 501.

Limited service pregnancy centers, also known as crisis pregnancy centers, are a growing threat to women's health. These centers exist solely for their personal agenda, which is to dissuade and prevent people facing unintended pregnancy from accessing abortion care. Limited service pregnancy centers rely on deception – they often provide medically inaccurate information and perform medical exams without a licensed or qualified clinician. They target women who are faced with unintended pregnancy and lack access to care by offering free pregnancy testing, ultrasounds, counseling, or prenatal care.

A couple of years ago I took care of a 16 year-old local girl who came to my office with her parents requesting an abortion. My examination found her to be beyond the gestational age limit that the state of Hawai'i allows a termination to be performed. Her parents explained to me that over the past two months she had several visits at a local limited service pregnancy center and they had delayed doing an ultrasound several times. Furthermore, when they did an ultrasound they deceived them about the gestational age of the pregnancy, letting them believe that the pregnancy was not as far along as it actually was. The girl and her parents had to do their own research to find places where she could get an abortion, which is how they ended up in my office. When I explained that she was now beyond the gestational age limit, this 16 year-old girl was beyond grief and her parents were understandably very upset. For two months this center had deceived this family, and essentially forced this girl into continuing her pregnancy. This is not health care. This is deception, and unlawfully denying someone their constitutionally protected right to an abortion.

When any one of us seeks medical care, we expect that no matter what the health care provider's own personal biases may be, we will be informed of all of our options. If I am told I have cancer, I expect and deserve to be told all of my treatment options. That is not only the humane thing to do, it is what we as physicians took an oath to do. It is my duty to inform my

patients of their options; it is not for me to make their decisions. Not informing someone of all of their options for treatment is essentially making that decision for them. While the staff at a limited service pregnancy center may not actually be licensed health care providers, and therefore not held to the same standards of health care and medical ethics, they allow patients who come to these centers to believe that they are.

Several states and municipalities have proposed legislation to protect the public from the deceptive practices of limited service pregnancy centers. Most notably, California recently enacted the Reproductive Freedom, Accountability, Comprehensive Care, and Transparency (FACT) Act. Similar to SB 501, the FACT Act requires that licensed pregnancy-related clinics disseminate a notice stating the existence of publicly-funded family-planning services, including contraception and abortion. The FACT Act also requires that unlicensed clinics disseminate a notice stating that they are not licensed by the State of California. The FACT Act was upheld by the United States Court of Appeals for the Ninth Circuit in October of 2016. The Ninth Circuit also maintains appellate jurisdiction over Hawai'i.

Therefore, I strongly support SB 501 and urge the Legislature to consider additional language to further inform and protect the public – similar to the FACT Act.

- Recommend specifying that all women should have access to safe, effective, comprehensive and medically accurate reproductive health care services.
- Recommend amending the required written notice to include language that informs potential clients that the clinic does not provide abortion services or abortion referrals, and that only ultrasounds performed by qualified healthcare professionals and read by licensed clinicians should be considered medically accurate.

I stand ready to provide you with factual information on women's health issues that come before the Legislature and I hope you will contact me at any time.

Please protect Hawai'i's families from deceptive health centers by passing SB 501.

Aloha,



Reni Soon, MD, MPH

Assistant Professor

Department of Obstetrics, Gynecology, & Women's Health

University of Hawai'i John A. Burns School of Medicine

1319 Punahou Street, Ste 824

Honolulu, HI 96826

rsoon@hawaii.edu

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 9:04 PM
To: CPH Testimony
Cc: kevin_tomita@yahoo.com
Subject: Submitted testimony for SB501 on Feb 3, 2017 09:30AM

SB501

Submitted on: 1/31/2017

Testimony for CPH/JDL on Feb 3, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Tomita	Individual	Support	No

Comments: Dear Chair Baker and Members of the Committee, I am writing in strong support of H.B. 663, which seeks to require limited service pregnancy centers, otherwise known as “crisis pregnancy centers,” to disclose the availability of publicly-funded family planning services and to establish privacy protections and pregnancy test disclosure requirements. H.B. 663 will go far to ensure that women have the information they need to make private, fair, informed choices about their health care. I firmly believe that anyone seeking health care should receive comprehensive, accurate, unbiased information in a confidential setting. Reproductive health care is no different. When women are fully informed, they are better able to make the best decisions for themselves about their personal health. However, in Hawaii communities, limited service pregnancy centers are offering women biased, misleading, and even false pregnancy and health care information and denying women needed referrals for reproductive health services, and all while failing to disclose that they are not actually licensed health care providers and have no duty to protect women’s private medical information. Women in Hawaii deserve better. H.B. 663 will put in place commonsense protections to ensure that any woman seeking pregnancy testing services receives the information she needs to make decisions about her reproductive health. Please support H.B. 663 to guarantee that all women receive the same basic standard of care. Thank you for this opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 8:57 PM
To: CPH Testimony
Cc: tediousmonkey@gmail.com
Subject: Submitted testimony for SB501 on Feb 3, 2017 09:30AM

SB501

Submitted on: 1/31/2017

Testimony for CPH/JDL on Feb 3, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Thaddeus Pham	Individual	Support	No

Comments: Dear Chair Baker and Members of the Committee, I am writing in strong support of H.B. 663, which seeks to require limited service pregnancy centers, otherwise known as “crisis pregnancy centers,” to disclose the availability of publicly-funded family planning services and to establish privacy protections and pregnancy test disclosure requirements. H.B. 663 will go far to ensure that women have the information they need to make private, fair, informed choices about their health care. As a public health professional, I firmly believe that anyone seeking health care should receive comprehensive, accurate, unbiased information in a confidential setting. Reproductive health care is no different. When women are fully informed, they are better able to make the best decisions for themselves about their personal health. However, in Hawaii communities, limited service pregnancy centers are offering women biased, misleading, and even false pregnancy and health care information and denying women needed referrals for reproductive health services, and all while failing to disclose that they are not actually licensed health care providers and have no duty to protect women’s private medical information. Women in Hawaii deserve better. H.B. 663 will put in place commonsense protections to ensure that any woman seeking pregnancy testing services receives the information she needs to make decisions about her reproductive health. Please support H.B. 663 to guarantee that all women receive the same basic standard of care. Thank you for this opportunity to testify.

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Hearing Date: February 3, 2017 (0930 AM)

To: Members of the Committee on Commerce, Consumer Protection, & Health and Members of the Committee on Judiciary & Labor

From: Shandhini Raidoo, MD

Re: SB 501 – Limited Service Pregnancy Centers

Position: Strong support with suggested additions

Dear Senators Rosalyn Baker, Clarence Nishihara, Gilbert Keith-Agaran, Karl Rhoads, and Members of the Committees on Commerce, Consumer Protection, & Health and Judiciary & Labor:

I am physician working at the University of Hawaii, John A. Burns School of Medicine, Department of Obstetrics, Gynecology, and Women's Health. I provide comprehensive obstetrics and gynecology services. I am writing in strong support of SB 501.

Limited service pregnancy centers, also known as crisis pregnancy centers, are a growing threat to women's health. These centers exist in order to dissuade and prevent people facing unintended pregnancy from accessing abortion care. Limited service pregnancy centers rely on deception – they often provide medically inaccurate information and perform medical exams without a licensed or qualified clinician. They target women who are faced with unintended pregnancy and lack access to care by offering free pregnancy testing, ultrasounds, counseling, or prenatal care.

Several states and municipalities have proposed legislation to protect the public from the deceptive practices of limited service pregnancy centers. Most notably, California recently enacted the Reproductive Freedom, Accountability, Comprehensive Care, and Transparency (FACT) Act. Similar to SB 501, the FACT Act requires that licensed pregnancy-related clinics disseminate a notice stating the existence of publicly-funded family-planning services, including contraception and abortion. The FACT Act also requires that unlicensed clinics disseminate a notice stating that they are not licensed by the State of California. The FACT Act was upheld by the United States Court of Appeals for the Ninth Circuit in October of 2016. The Ninth Circuit also maintains appellate jurisdiction over Hawai'i.

Therefore, **I strongly support SB 501 and urge the Legislature to consider additional language to further inform and protect the public** – similar to the FACT Act.

- Recommend specifying that all women should have access to safe, effective, and medically accurate reproductive health care services.
- Recommend amending the required written notice to include language that informs potential clients that: the clinic does not provide abortion services or abortion referrals, that only ultrasounds performed and read by licensed clinicians are medically accurate, and that this clinic is not required to provide patients with medically accurate information.

I stand ready to provide you with factual information on women's health issues that come before the Legislature and I hope you will contact me at any time.

Please protect Hawaiian families from deceptive health centers by passing SB 501.

Mahalo for your time and consideration,

Shandhini Raidoo, MD
2211 Ala Wai Blvd #1806
Honolulu, HI 96815
sraidoo@hawaii.edu
(605)929-4605

Facilities that promote themselves as “pregnancy crisis centers” imply that they provide medical services when in fact they engage in a variety of dubious practices that are designed to mislead women about the services they provide. Staff may wear white lab coats or scrubs suggesting that they are medical professionals—which they are not. They also place misleading ads suggesting they advise women on all of their options in a non-judgmental way while showing soothing visuals of a happy mother pushing her baby in a swing. In fact, these centers give incorrect information about the alleged consequences of abortion and press women to continue their pregnancy until it is too late to have an abortion. They are not bound by the code of professional ethics that applies to actual medical providers, which would require them to give accurate information and protect the privacy rights of patients. Instead, they use deceptive practices to take advantage of women who are at a vulnerable point in their lives.

If these centers cannot be shut down for their deceptive practices they must at the very least be regulated as described in HB 663, which I strongly support.

Hearing Date: February 3, 2017 (0930 AM)

To: Members of the Committee on Commerce, Consumer Protection, & Health and
Members of the Committee on Judiciary & Labor

From: Mary Tschann

Re: SB 501 – Limited Service Pregnancy Centers

Position: Strong support with suggested additions

Dear Senators Rosalyn Baker, Clarence Nishihara, Gilbert Keith-Agaran, Karl Rhoads, and Members of the Committees on Commerce, Consumer Protection, & Health and Judiciary & Labor:

I am researcher working at the University of Hawaii, John A. Burns School of Medicine, Department of Obstetrics, Gynecology, and Women's Health. My work centers on improving reproductive health care, and specifically family planning services. I am writing in strong support of SB 501.

Limited service pregnancy centers, also known as crisis pregnancy centers (CPCs), are a growing threat to women's health. These centers exist in order to dissuade and prevent people facing unintended pregnancy from accessing abortion care. Limited service pregnancy centers rely on deception – they often provide medically inaccurate information and perform medical exams without a licensed or qualified clinician. They target women who are faced with unintended pregnancy and lack access to care by offering free pregnancy testing, ultrasounds, counseling, or prenatal care.

The deceitful information provided by CPCs leads to confusion, delays in care, and shaming of women seeking help with an unintended pregnancy. Pregnancy termination is a highly time-sensitive service, and the tactics employed by CPCs delay women from accessing the comprehensive, unbiased services they need in a timely fashion. Patients in these centers also experience shaming and degradation if they are interested in obtaining an abortion. An unintended pregnancy is a hugely stressful event that warrants compassionate, honest, and comprehensive medical care.

Several states and municipalities have proposed legislation to protect the public from the deceptive practices of limited service pregnancy centers. Most notably, California recently enacted the Reproductive Freedom, Accountability, Comprehensive Care, and Transparency (FACT) Act. Similar to SB 501, the FACT Act requires that licensed pregnancy-related clinics disseminate a notice stating the existence of publicly-funded family-planning services, including contraception and abortion. The FACT Act also requires that unlicensed clinics disseminate a notice stating that they are not licensed by the State of California. The FACT Act was upheld by the United States Court of

Appeals for the Ninth Circuit in October of 2016. The Ninth Circuit also maintains appellate jurisdiction over Hawai'i.

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- Recommend specifying that all women should have access to safe, effective, and medically accurate reproductive health care services.
- Recommend amending the required written notice to include language that informs potential clients that: the clinic does not provide abortion services or abortion referrals, that only ultrasounds performed and read by licensed clinicians are medically accurate, and that this clinic is not required to provide patients with medically accurate information.

I stand ready to provide you with factual information on women's health issues that come before the Legislature and I hope you will contact me at any time.

Please protect Hawaiian families from deceptive health centers by passing SB 501.

Aloha,

Mary Tschann
1348 Nanialii St.
Kailua, HI 96734
marytschann@gmail.com

To: Senator Rosalyn H. Baker, Chair
Senator Clarence K. Nishihara, Vice Chair
Members of the Committee on Commerce, Consumer Protection
and Health

Senator Gilbert S. C. Keith-Agaran Chair
Senator Karl Rhoads, Vice Chair
Members of the Committee on Judiciary and Labor

From: Patricia Bilyk, APRN, MPH, MSN
Maternal-Infant Clinical Nurse Specialist, Retired

Re: SB 501 Relating to Health
Strong Support

Date: Friday, February 3 2017 9:30AM Conference Rm 016

Good Morning Chair Senator Baker, Vice Chair Senator Nishihara, Members of the Committee on Commerce, Consumer Protection and Health and Chair Senator Keith-Agaran, Vice Chair Rhoads and the Members of the Committee on Judiciary and Labor, I am Patricia Bilyk, an advanced practice nurse specializing in Maternal-Infant nursing and public health. I've been working in this specialty area for over 40 years in Hawaii.

I stand in strong support of SB 501.

I am very concerned about the legitimacy of the so called Limited Services Pregnancy Centers that are present in our State. I feel these centers advertise in various community publications throughout the State as a resource to help a woman who feels she is or might be pregnant. They provide biased, false and misleading information. They take advantage of women at a very emotional and possibly troubling time in their life. Further they do not provide comprehensive information options and referrals to the woman. Nor do they provide professional counseling from health professionals such as doctors, nurses, and certified reproductive counselors in terms of the woman's individual needs and situation.

Also, it is very important to understand that these pregnancy centers do not follow community standards and privacy policies according to the

Health Insurance Portability and Accountability Act (HIPAA) regarding maintaining the privacy of the woman in terms of any counseling, or pregnancy test or ultrasound performed.

I feel women seeking reproductive care need to receive comprehensive, accurate, unbiased information in a confidential setting. If a woman is fully informed as to her options, she is better able to make the best decisions for her own personal health and in the best interests of her partner and family.

SB 501 will put in place commonsense protections that women in our State deserve. I strongly support and encourage this Committee to pass this bill out of committee.

Thank you for allowing me to state my views on this issue.

Aloha Senator Baker, Vice Chair Nishihara, Chair Keith-Agaran, Vice Chair Rhoads and committee members

I reside in Senate District 9 and House District 19. I retired from DHS six years ago, after 43 years in Child Welfare.

As a social worker, I urge your strong support of SB501 to ensure that women be given complete and accurate information about reproductive health. Every year, thousands of women in Hawaii have unintended pregnancies. It is imperative that women have easy access to public programs which can provide contraception, prenatal care, counseling and birth-related services.

Thank you for the opportunity to testify.

Barbara J. Service

Date: January 30, 2017

To: Senators

From: Bliss Kaneshiro MD, MPH

Re: SB 501 – Limited Service Pregnancy Centers

Position: Strong support with suggested additions

Dear: Senators

I am physician working at the University of Hawaii, John A. Burns School of Medicine, Department of Obstetrics, Gynecology, and Women's Health. I provide comprehensive obstetrics and gynecology services. My views are my own and do not represent the University of Hawaii where I am an Associate Professor with Tenure. I am writing in strong support of SB 501.

Limited service pregnancy centers, also known as crisis pregnancy centers, are a growing threat to women's health. These centers exist in order to dissuade and prevent people facing unintended pregnancy from accessing abortion care. Limited service pregnancy centers rely on deception – they often provide medically inaccurate information and perform medical exams without a licensed or qualified clinician. They target women who are faced with unintended pregnancy and lack access to care by offering free pregnancy testing, ultrasounds, counseling, or prenatal care.

As a physician who provides obstetric care, I have many patients who fall victim to these pregnancy centers. I cared for a patient who entered one of these clinics and was unsure about whether she wanted to continue or terminate the pregnancy. The limited service pregnancy center delayed her care, asking her to return for subsequent visits until she was well into her second trimester. Unfortunately the patient had a serious medical condition and this delay of care resulted in additional risks to her and the pregnancy. These risks could have been decreased had she actually received prenatal care in the first trimester.

Several states and municipalities have proposed legislation to protect the public from the deceptive practices of limited service pregnancy centers. Most notably, California recently enacted the Reproductive Freedom, Accountability, Comprehensive Care, and Transparency (FACT) Act. Similar to HB 663, the FACT Act requires that licensed pregnancy-related clinics disseminate a notice stating the existence of publicly-funded family-planning services, including contraception and abortion. The FACT Act also requires that unlicensed clinics disseminate a notice stating that they are not licensed by the State of California. The FACT Act was upheld by the United States Court of Appeals for the Ninth Circuit in October of 2016. The Ninth Circuit also maintains appellate jurisdiction over Hawai'i.

Therefore, **I strongly support HB 663 and urge the Legislature to consider additional language to further inform and protect the public** – similar to the FACT Act.

- Recommend specifying that all women should have access to safe, effective, and medically accurate reproductive health care services.
- Recommend amending the required written notice to include language that informs potential clients that: the clinic does not provide abortion services or abortion referrals, that only ultrasounds performed and read by licensed clinicians are medically accurate, and that this clinic is not required to provide patients with medically accurate information.

Protect Hawaiian families from deceptive health centers by passing HB 663.

Thank you,

Bliss Kaneshiro MD, MPH

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 12:35 PM
To: CPH Testimony
Cc: hkimball@hawaii.edu
Subject: Submitted testimony for SB501 on Feb 3, 2017 09:30AM

SB501

Submitted on: 2/2/2017

Testimony for CPH/JDL on Feb 3, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Kimball	Individual	Support	No

Comments: Women facing an unplanned pregnancy deserve real medical care and unbiased pregnancy information. Limited service pregnancy centers provide false or misleading information about what services are offered. The privacy of women seeking information with these centers is not protected, their test results and medical records are withheld, and they are denied needed referrals for reproductive health care. I support legislation requiring the disclosure of limited service pregnancy centers services and enrollment information regarding reproductive health services. I support medical privacy protection and patient access to their medical records.

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 1, 2017

TESTIMONY IN OPPOSITION TO SB501

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair

Senator Clarence K. Nishihara, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair

Senator Karl Rhoads, Vice Chair

Hearing on SB501 Friday, February 3, 2017 at 9:30 AM, Conference Room 016, State Capitol.

Dear Chairmen, Vice Chairmen and Committee Members,

My name is Jim Hochberg and I am a civil rights attorney who has practiced law in Hawaii since 1984 (33 years). I testify in opposition to this bill on the grounds that it would, if passed, violate First Amendment rights and the rights of conscience of those who oppose uttering the words and ideas required by this law. As a civil rights attorney, I would not hesitate to represent a pregnancy center on a pro bono basis if it was offended by the requirements of this bill should it become law.

I have many questions about the factual representations upon which this bill is premised in the preamble. Apparently the legislative findings fail to take into consideration the fact that abortion has an extremely negative, long lasting, effect on the women. Part of the services provided to women by a pregnancy center address those negative effects. While the legislative findings appear to have determined that abortion is the answer for an unintended pregnancy, for many women, abortion leaves in its wake women who are devastated by the emotional toll abortion causes them. Pregnancy centers address that toll. Pregnancy centers would not be able to help women who suffer from the lasting effects of having had an abortion if the pregnancy center supported abortion as an alternative to pregnancy.

This bill compels speech which those working in pregnancy centers would be loathe to utter because it interferes with part of the pregnancy center's mission, and is repugnant to the overall purpose of the center. This governmental compulsion of repugnant speech is constitutionally impermissible under the Constitution of the State of Hawaii. Abortion providers have fought against having to provide women with ultrasound testing and the results thereof before providing abortions

JAMES HOCHBERG
ATTORNEY AT LAW, L.L.C.

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
COMMITTEE ON JUDICIARY AND LABOR
February 1, 2017

as a violation of the constitution. This bill is no different. In addition, this bill would be as if a legislative body decided that public safety required all people to praise the efforts of President Trump rather than express their true ideas of opposition. It is clear that there are many in this state who would vigorously object to such compelled speech. The government is prohibited from compelling a faith based organization to give a message which violates its fundamental principles.


To the extent that a person at a pregnancy center objects to abortion on the basis of religious belief, the compelled speech in support of abortion and related information required of this bill if enacted into law would also violate First Amendment religious liberty. The targets of this bill, pregnancy centers, are faith based ministries that are prolife and oppose abortion. Such opposition to abortion means that as a matter of religious principle they do not perform or teach about or refer for abortion. This law, if enacted, would mandate that such faith based ministries violate their religious convictions and become abortion referral agencies. If the religious tenets of a group included a belief that cigarette smokers were subject to penalties through the religious order, then it would violate their religious liberty to force members of that religion to inform people in their workplace about the availability of and means to access cigarettes.

The disclosure requirements in this bill are very similar to a law passed in 2015 by the California legislature. That law was challenged on behalf of pregnancy centers in the federal courts in California. The law is being appealed to the United States Supreme Court. It is expected that the high court will accept the appeal and, if so, argument on the merits of the law will be made this fall -- probably October. Why would Hawaii want to move ahead on this legislation before the current litigation is completed and the Supreme Court has determined the constitutionality of the compelled speech mandated by that law.

This bill goes further than the California law by creating a private right of action against the person who objects to making the compelled speech. This generate confusion for the community with respect to who is enforcing this compelled speech.

For the foregoing reasons I oppose the bill and ask that you kill it today in committee. If you have any questions please feel free to call me.

Sincerely,



JAMES HOCHBERG

JH

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 3:11 PM
To: CPH Testimony
Cc: sjj95216@hawaiiantel.net
Subject: *Submitted testimony for SB501 on Feb 3, 2017 09:30AM*

SB501

Submitted on: 2/1/2017

Testimony for CPH/JDL on Feb 3, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Stacey Jimenez	Individual	Oppose	No

Comments:

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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THE SENATE
THE TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2017

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair
Senator Clarence K. Nishihara, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair

NOTICE OF HEARING

Friday, February 3, 2017
9:30am
Conference Room 016
State Capitol
415 South Beretania Street

Feb. 1st. 2017

To: CPH Chair Baker, Vice-Chair Nishihara and committee members
JDL Chair Keith-Agaran, Vice-Chair Rhoades and committee members

Re: SB 501

Please note that I stand in strong opposition to this bill. I do agree with the statement that *“all Hawaii women, regardless of income, should have meaningful access to effective reproductive health services.”*

However, it appears that once again our government is trying to force their agenda onto everyone to include faith based organizations. To be forced to offer abortions as an acceptable alternative to life goes against their/our rights of conscience.

This type of policy is so insulting to women everywhere. You are assuming they are too naive to know the difference between an abortion clinic whose job it to end the life of the child they are carrying and a faith based organization that offers alternatives, compassion and the support the woman is actually looking for.

If their intent was to end the life of their child they would have gone to an abortion clinic or doctor, sadly they are not that hard to find.

I feel the services offered by these compassionate organization should be left alone. So to force any faith based prolife organization to go against their conscience is wrong and I urge you to oppose the passing of this Senate Bill 501.

Respectfully submitted

Rita Kama-Kimura
Mililani , HI

TESTIMONY to Senate Committee on Commerce, Consumer Protection, and Health
&
Senate Judiciary and Labor Committee

Regarding: S.B. 501 Relating to Health

Friday, February 3, 2017

9:30 AM -- State Capitol Conference Room 016

Submitted in **OPPOSITION** by: Mary Smart, Mililani, HI 96789

Chairs Baker and Keith-Agaran; Vice Chairs Nishihara and Rhodes, and Committee Members:

1. I Strongly **OPPOSE SB501**. As stated by Alliance Defending Freedom Legal Counsel Matt Bowman: "A government that tells you what you can't say is dangerous, but a government that tells you what you must say – under threat of severe punishment – is terrifying." In fact, this bill is a direct attack against pro-life organizations that is disguised by labeling them as a "limited service pregnancy center". Our state legislators need to stop bringing all of California's bad ideas to Hawaii. Similar bills have struck down by the in Texas, Maryland, and New York. Hawaii should not waste important time and funds to force this unconstitutional measure upon our residents. It is irrational to continue to pursue this type of legislation. It is outright oppression to the pro-life centers to threaten heavy fines if this coercive mandate isn't followed.

2. This bill is an insult to women and implies that we need government mandates to "take care" of us. We don't. We can make right choices regarding our service providers before entering a facility or through an interview with the service provider. We don't need signs in multiple languages posted all over the facility promoting services that are neither wanted nor beneficial to women's health. Furthermore, we don't appreciate government's intrusion into our service providers. We don't want anyone or any organization to be forced to provide services they oppose unless the service being provided is dangerous to one's health. Most of the organizations targeted in this bill have made a decision to only endorse and condone healthy choices. They have rejected the government programs endorsed by this bill because they have determined that those programs and services have a high potential to harm women.

3. Choice is the main mantra of those who might support this bill -- however, this bill takes away the choice of the limited pregnancy service provider and, in the findings of much research, this bill promotes services that can be harmful to the client/visitor's health. It would be understandable that warning signs be placed around facilities providing abortion and contraceptives since many of these services can lead to severe physical, emotional, and psychological health risks including breast cancer, blood clots, stroke, suicidal inclinations, etc..

4. Most limited pregnancy centers are free and confidential. For example, I have volunteered at a center that didn't require proof of identity and only collected minimal personal information to document the service provided. We only asked first names -- no last name. Those records are not official and could not be used by anyone outside the center. Details regarding their name or any other information provided could be someone else's. Therefore, the information cannot be released to anyone. That guarantees confidentiality as promised to the client. Since the centers are private, their internal operational procedures should remain under the domain of their Board of Directors who are knowledgeable of the mission and are respectful their clients' privacy.

5. Abortion and contraceptive sales staff should not expect free advertising in limited space that exists in pregnancy center offices. In our land of liberty, two entities need to come to an agreement to have one group advertise for another. There should be no government mandate in non-government facilities. If the organizations involved cannot reach agreement, then there should be no posting. The number of languages would be a negotiation term between the two entities. The government should not be allowed to interfere in the transactions of private organizations.

6. Many women are harmed by the service (abortion) and medications (contraceptives) this bill promotes. Neither abortion nor contraception is reproductive healthcare -- they disable reproduction. Abortion terminates the life of a healthy being (a baby) and contraceptives artificially alter a women's reproductive system. There is nothing healthy about disabling a perfectly functioning female body. It is a misrepresentation to imply that either of these services benefit women's reproductive health.

7. Research has found natural means that are both physically and mentally beneficial methods to plan and space a family. Unfortunately, the organizations you are demanding be given free advertising reject all natural method in favor of artificial and potentially dangerous methods. If all women were told the harmful side effects of the services and products dispensed in the facilities to which you want women referred, they would be enraged. Chemicals and elective surgical procedures can result in loss of fertility, infection, and death. That isn't "care" that should be promoted to innocent, naive and/or panic stricken women who are being preyed upon by these unethical organizations for profit. Planned parenthood not only has been shown to exploit their clientele, but then had the audacity to sell the aborted baby parts for profit. That is not a provider who cares about women and is unworthy of any taxpayer funding. Planned Parenthood and all abortion providers should be driven from our community.

8. This overreach affecting our choice to use limited service pregnancy centers is abusive and has been found to be unconstitutional in other states. I am particularly disappointed my Senator sponsored this bill. **Vote NO on SB501.**

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 8:56 AM
To: CPH Testimony
Cc: jamesjtz@aol.com
Subject: *Submitted testimony for SB501 on Feb 3, 2017 09:30AM*

SB501

Submitted on: 2/1/2017

Testimony for CPH/JDL on Feb 3, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
James Gauer	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 5:40 AM
To: CPH Testimony
Cc: inhocsig@lava.net
Subject: *Submitted testimony for SB501 on Feb 3, 2017 09:30AM*

SB501

Submitted on: 2/1/2017

Testimony for CPH/JDL on Feb 3, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Duffy	Individual	Oppose	No

Comments:

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TESTIMONY

Brett Kulbis | 91-1010 Kaipalaoa St. | Ewa Beach, HI 96706

Bill: HB-663

Report Title: Limited Service Pregnancy Centers; Disclosures; Privacy; Remedy

31 January 2017

Chairman,

I OPPOSE this legislation.

Pregnancy centers provide a valuable alternative to the pro-abortion mills and so called “pro-choice” organizations like Planned Parenthood, National Abortion and Reproductive Rights Action League (NARAL) and Feminist Majority Foundation.

Our local pregnancy centers provide comprehensive care to women and men facing unplanned pregnancies, including resources to meet their physical, psychological, emotional, and spiritual needs. They offer women free, confidential, and compassionate services, including pregnancy tests, peer counseling, 24-hour telephone hotlines, childbirth and parenting classes, referrals to community, health care, and support services. Many of these pregnancy centers are faith based, pro-life, and are self funded.

Not only is this legislation an attack on our pregnancy centers, it's an attack on the religious freedom and free speech of the many of dedicated and faithful workers within these organizations. It also suggests that these pregnancy centers are operating under false pretenses and are not providing accurate information regarding rights to access the full range of health care services that are available to them.

This legislation forces pregnancy centers to advocate for Hawaii public programs which include abortion contrary to the religious conscience of these centers.

Instead of forcing our pregnancy centers to violate their conscience you should be granting pregnancy centers assistance for medical equipment and abstinence education in a manner that does not compromise the mission or religious integrity of these organizations.

We are so blessed to live in these islands of AloHa! “Ha” the breath of LIFE. The Creator and Giver of LIFE did an amazing job when He conceived and thought of Hawai’i. Yet, this ‘aina with beautiful people are in danger of a death culture that will continue to infiltrate our islands and dampen our desire to live LIFE abundantly here.

NARAL Plan to Attack Pregnancy Centers

In 2000, the NARAL Foundation Legal and Constituency Development Department produced a handbook entitled “Unmasking Fake Clinics.” The NARAL handbook provides a step-by-step guide and attack plan for destroying and discrediting pregnancy centers. The goal of the guidebook is to bring the pregnancy center movement to an end by passing anti-pregnancy center legislation, encouraging women to sue pregnancy centers, and urging state Attorneys General to take official action against pregnancy centers. To achieve these ends, NARAL encourages volunteers to enlist the help of supportive state legislators, contacts in the Attorney General’s offices, and pro bono attorneys. NARAL’s attack is strategic, well-planned, and should be highly concerning to pregnancy centers.

The handbook also provides guidance and scripts for use by NARAL supporters who pose as fake clients to collect “evidence” against pregnancy centers which can then be used to create an “investigative report.” Such “reports” are then used to promote lawsuits and anti-pregnancy center legislation. These reports are publicized as scientific investigations although they are almost entirely anecdotal stories, clearly biased, and developed through highly unscientific survey methods.

TESTIMONY

Brett Kulbis | 91-1010 Kaipalaoa St. | Ewa Beach, HI 96706

Bill: HB-663

Report Title: Limited Service Pregnancy Centers; Disclosures; Privacy; Remedy

To facilitate center “investigations,” NARAL typically enlists the help of young unpaid interns. These interns will pose as fake clients and call centers with questions specifically designed by NARAL to elicit statements from center volunteers which can be later used to allege center impropriety. In addition to phone calls, these interns will also conduct on-site client visits. They will use urine from a pregnant woman to fake a positive pregnancy test.

From 2005 to 2008, national NARAL and state NARAL coalitions have published six “reports” on pregnancy centers. Additionally, Representative Waxman of California produced a report in 2006. These reports have been used by NARAL to promote anti-pregnancy center legislation. Within the past two years, five states have introduced legislation specifically targeting pregnancy centers, including Maryland, Oregon, New York, Texas, and West Virginia. Generally, the bills would require pregnancy centers to issue false and damaging disclaimers, such as stating that they are not required to provide clients with factually accurate information. Additionally, centers have been subjected to subpoenas and inquiries from state Attorneys General, including Elliot Spitzer’s investigation of New York centers in 2002, and similar threatened investigations in Maryland and Illinois.

I encourage you to vote NO.

Mahalo,
Brett Kulbis

Friday, February 3, 2017 at 9:30 a.m.

Conference Room 016

Re: **Opposition to SB501** Relating to HEALTH

Chair Baker, Vice Chair Nishihara, and Committee Members
Chair Keith-Agaran, Vice Chair Rhoads, and Committee Members:

My name is Ross Fusato. I was born and raised on Maui and earned my bachelors and MBA from the University of Hawaii-Manoa. Thank you for this opportunity to testify in opposition of SB501.

I strongly oppose SB501 which forces pregnancy resource centers to refer clients to abortion providers. By forcing counselors, nurses and doctors to refer clients to abortion providers this bill is violating their freedom of speech and freedom of religion, both of which are protected by the First Amendment to the United States Constitution.

Passage of SB501 will result in lawsuits from pregnancy resource centers. This could prove costly for the state and waste valuable time and resources. This tremendous cost would provide little benefit to the residents of Hawaii. There are already many resources that women have access to that provide the information required in SB501. Forcing constituents to abandon their deeply held convictions in blatant disregard for the First Amendment is not the most prudent method of disseminating information for abortionists.

As this bill proceeds and gains media attention, Churches across the state will take notice that you proposed or supported a law that forces the abortion agenda on private counseling centers. And to what gain? This bill does not increase services to women, does not provide additional funding for women's health, does not provide any tangible support to women or their children.

Before committing to the abortion agenda, I strongly urge you to visit the pregnancy centers in Hawaii. Speak with the directors and volunteers. Hear the testimonies of the clients that have been served by these tireless community caregivers. You will realize that these centers love and care for women facing their most difficult time and have the client's well-being as their utmost priority.

Sincerely,

Ross Fusato

February 1, 2017

To: Senator Rosalyn Baker, Chair of Senate Commerce, Consumer Protection & Health Committee, Senator Clarence Nishihara, Vice Chair of Senate Commerce, Consumer Protection & Health Committee and to the Senate CPH Committee members
Senator Gilbert Keith-Agaran, Chair of the Senate Judiciary & Labor Committee, Senator Karl Rhoads, Vice Chair of the Senate Judiciary & Labor Committee and to the Senate JDL Committee Members

From: Cheryl Toyofuku

Re: Strong Opposition to SB501, relating to "Limited Service Pregnancy Centers"

Hearing: Friday, February 3, 2017 at 9:30 a.m., in room 016

My name is Cheryl Toyofuku and I am a mother, grandmother, registered nurse and health advocate. I am in strong opposition to SB501, which "requires all limited service pregnancy centers to disclose the availability of and enrollment information for reproductive health services." This bill will require all pregnancy centers to provide information on health services, including abortion.

Several of Hawaii's pregnancy centers are faith based ministries that are pro-LIFE and oppose abortion. These pro-life pregnancy centers offer many LIFE saving services to the community. Pregnancy tests, ultrasound services, women & men's counseling, adoption referrals, baby & mother clothing/supply boutiques and birth education workshops are provided. The centers receive donations and are staffed mostly with trained volunteers. Instead of promoting abortion, they provide life-affirming compassionate pregnancy care and counseling as they actively try to prevent abortions in our communities. Therefore, they do NOT perform or refer for abortion. SB501 would mandate such faith based centers to violate their religious convictions and become abortion referral agencies.

This bill will violate the First Amendment guaranteeing the freedom of religion, since opposition to abortion is a matter of religious principle. Legislation compelling a faith based center as to what that center must say, distribute or post at their location under the threat of financial penalty is unjust and dangerous. Forcing a pro-life center to promote abortion amounts to compelled speech which is a clear violation of the center's constitutionally protected First Amendment freedoms. Litigation against forcing pregnancy centers to promote abortion have occurred in other states. An appeal to the United States Supreme Court on similar California legislation is expected to be accepted. Hawaii should not move ahead on this legislation until current litigations are completed and the courts have determined the constitutionality of the law.

As Hawaii's senators of our islands of Aloha, you should NOT compel and require faith based centers to give a message which violates their fundamental principles and beliefs.

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair
Senator Clarence K. Nishihara, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair

REGARDING: SB501

Dear Chairman BAKER and Committee Members,

I'm writing in opposition to SB501.

As a private citizen who treasures our constitutional right to personal belief and values, I believe this bill encroaches on the rights of our valued pregnancy centers in Hawaii who provide free services testing, ultra sounds, counseling as well as donating clothes and baby necessities to mothers in need. The centers volunteers embrace each client with respect and compassion and rely on donations to keep their doors open.

The centers believe in the sanctity of LIFE and do all possible to counsel women and men in their journey as parents. It is disconcerting that government intrude on their humane practices and as proposed in SB501, mandates to inform the client on the abortion option (against their beliefs), protects minors from disclosure to parents (after all they are the legal guardian not the state) and penalizes the centers for non-compliance, to practice what they believe in, Santity of Life.

For the sake of preserving our rights to believe and value LIFE, I oppose SB501 and I encourage you to also oppose it.

Thank you for your public service to our State.

Sincerely,

Lois Young



February 1, 2017

TESTIMONY TO THE SENATE COMMITTEE ON COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH AND COMMITTEE ON JUDICIARY AND LABOR

For Hearing on Friday, February 3, 2017
9:30 a.m., Conference Room 016

By: Chris Jimenez, Administrative Pastor, Calvary Chapel Pearl Harbor

Senate Bill No. 501
Relating to Health

Dear CHAIRPERSON, ROSALYN H. BAKER, VICE CHAIR, CLARENCE K. NISHIHARA AND MEMBERS OF THE SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH AND CHAIRPERSON, GILBERT S.C.KEITH-AGARAN, VICE CHAIR, KARL RHOADS AND THE OTHER MEMBERS OF THE SENATE COMMITTEE ON JUDICIARY AND LABOR:

Thank you for the opportunity to testify IN OPPOSITION to S.B.501

As one of the staff pastors for a church that operates a limited services pregnancy center, as defined in S.B.501, I'm absolutely opposed to this proposed bill.

First, as a faith based ministry, protected by the First Amendment which guarantees freedom of religion, it is a matter of religious principle that we oppose abortion. Thus, being forced to refer women to organizations that perform abortions is a violation of a fundamental Constitutional right. It is also for this reason that this same law in California is being challenged, and will be fought all the way to the US Supreme Court.

Secondly, this bill starts down a slippery slope. When the state begins to dictate what a religious organization must say to someone we are counseling, where is the line drawn? At what point is the content of what we counsel legislated? At what point are we given a state approved script that must be followed? And why does this bill only target pregnancy centers? Why doesn't this bill regulate the educational content being provided by Med-Quest providers? I don't say this as a recommendation for a revised bill, as I fully oppose this legislation for the Constitutional reasons above. This point was merely made to point out the incompleteness, and one sided nature of the bill, which clearly targets pregnancy centers rather than forcing complete information dissemination across the entire sector.

Finally, as a Hawaii taxpayer, it would be imprudent for the state to pass this legislation knowing that it is already being challenged in California, and headed to the US Supreme Court later this year. The state shouldn't open itself to the cost of legal challenges until at least the California challenge has been decided.

I hope these points will be given consideration, and that you will oppose S.B. 501.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 8:26 PM
To: CPH Testimony
Cc: kellystauf@gmail.com
Subject: Submitted testimony for SB501 on Feb 3, 2017 09:30AM

SB501

Submitted on: 2/1/2017

Testimony for CPH/JDL on Feb 3, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kelly Stauffer	Individual	Oppose	No

Comments: Dear members of the Senate, Thank you for the opportunity to testify in opposition to SB501. As someone who has experienced a crisis pregnancy I can testify to the need for pregnancy centers. These independently funded, volunteer based centers provide a caring, judgment free environment that many women facing a crisis pregnancy are desperately in need of. Women need to have the opportunity to access non biased information on the facts about options available to her once she discovers she is pregnant. Pregnancy centers offer many resources on the facts about abortion procedures, as well as her options should she choose an adoption plan or to parent her child. She is able to make a decision based on the facts. The need to post a statement about where she can receive abortion services is unnecessary, manipulative and in direct conflict with the freedom of religion and freedom of speech pregnancy centers are guaranteed under the Constitution. From experience, abortion providers do not discuss the facts about the options available to a women in a crisis pregnancy. Not only from my own experience but also from counseling other women who have had abortions, I can say abortion providers rarely even explain the abortion procedure itself, much less the options available if she chooses adoption or to parent. If the aim of this bill is to benefit women, should abortion providers also be required to post a sign stating where she can receive free counseling and information should she be unsure of whether to abort or not? It seems to me the aim of this bill has very little to do with women's health and is more about bullying centers who truly have a heart for women. I urge you to oppose SB501. Thank you.

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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Joshua Schneider
February 2, 2017
Testimony of Opposition to HB663 & SB501
Hawaii State Legislature

Aloha,

I am writing as a concerned citizen in opposition to the proposed bills HB663 and SB501. Under the guise of ensuring “meaningful access to reproductive health services”, these bills aim to coerce non-governmental, non-profit, limited service pregnancy centers to post signage that violates their stated mission, philosophy, and free speech rights. This follows a bad precedent from California that deserves to be overturned, as it is unconstitutional for the government to coerce what a non-profit must say or advertise.

In reality, government funded reproductive health services are widely accessible and have the full power and backing of the government, and therefore have no difficulty promoting their services on their own, without coercing privately funded charitable organizations to promote them as well. The scope and reach of the government funded abortion providers is already large, and it is unconscionable that the legislature of Hawaii would force those who object to the practice of abortion as the taking of an innocent human life, to promote abortion, in the very places where life affirming help and hope is provided. One may disagree about whether or not abortion is right or wrong—and we do. One may disagree about what is best for women’s health care—and we do. It is our right to disagree as Americans and to pursue the course of our own life within the law. What is at stake in this bill is the right to free speech and the freedom from government interference and punitive action against those who do not stand with the government defined agenda and prescription for women’s health care. Those who do not stand with it have the right to free speech and to provide caring alternatives.

Compassion pregnancy centers offer free and confidential services and do not coerce their clients. They have a right to continue serving the women and families of Hawaii in accordance with their mission and firmly held beliefs, without the threat of government interference. Please vote against the passage of these measures.

Sincerely,
Joshua Schneider

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 1:01 PM
To: CPH Testimony
Cc: nani_lii@yahoo.com
Subject: *Submitted testimony for SB501 on Feb 3, 2017 09:30AM*

SB501

Submitted on: 2/2/2017

Testimony for CPH/JDL on Feb 3, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kerrie Villers	Individual	Oppose	Yes

Comments:

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 2, 2017

TESTIMONY TO THE SENATE COMMITTEE ON HEALTH

For Hearing on

Friday, February 3, 2017

9:30 a.m., Conference Room 016

By: Sophie Fung

Senate Bill SB501

Relating to Health:

Dear CHAIRPERSON ROSALYN H. BAKER, VICE CHAIR CLARENCE K. NISHIHARA AND MEMBERS OF THE SENATE COMMITTEE ON HEALTH:

Thank you for the opportunity to testify IN OPPOSITION to Senate Bill SB501

All women in Hawaii should have access to family planning services, education, prenatal care, and birth-related services. In this day-and-age of technology, media, television, movies, etc. abortion rights have been expressed with wide coverage, so there already is a lot of awareness of the availability of abortion services. Yet what is greatly lacking is knowledge of alternatives to abortion such as carrying to full term and keeping her child or giving up her child to adoption. There are some pregnancy counseling services available in Hawaii, some of which are Christian-based services. These services are not all publicly funded services. Yet the Senate Bill SB501, if passed, will force the privately funded services to promote abortion awareness and information which are against their Christian beliefs. It is not necessary to institute more stringent and punitive regulations on the handful of family planning services here in Hawaii. This bill:

- Violates freedom of speech
- Violates freedom of religion

The United States, Hawaii state, and worldwide organizations have numerous environmental regulations to protect the environment and laws to protect animal rights. On January 30, 2017 in the news it was reported that a hummingbird nest halted important upgrades to the Richmond-San Rafael Bridge in the San Francisco Bay area. There are numerous regulations protecting endangered plants, animals, birds and marine life. There are strict violations for those who harm or kill the endangered species like the Hawaiian monk seals such as those killed in December 2014. A lot of resources are provided for protection of wildlife and the environment such as conservationists to raise and care for the 5 alala

(Hawaiian crow) raised in captivity. They were released into the wild on December 14 but it was discovered that 3 of the 5 birds died so conservationists returned the 2 remaining birds to a Big Island aviary.

Our society bends over backwards to protect the environment and wildlife. Why not human life? Where are the laws and regulations to protect the unborn human children? On July 31, 1843 King Kamehameha ("*Ua Mau ke Ea o ka 'Āina i ka Pono*") stated that "**The life of the land is perpetuated in righteousness.**" This is the Hawaii state motto which should be at forefront of every bill and law that are passed.

Too often our society is dictated by what is politically correct and governed by the changing tides of our evolving communities. Why do legislatures have to add more and more regulations that force the people to uphold laws that are restrictive and burdensome and that are against traditional and time honored values.

May I share with you a little bit of personal history. I was a teenager who got pregnant out of wedlock. I grew up hearing about abortions but never thought that I would do it myself. Unfortunately I did become pregnant and thought that the only choice I had was to have an abortion. I wasn't aware of alternatives and never heard of health programs or family services. If I had known of them, I probably would have gone full term and given up my baby for adoption. At Planned Parenthood I was given false information and was deceived into thinking that at 13 weeks my pregnancy was still a blob of cells. After the abortion was performed I had a terrible infection that the abortion center wouldn't treat me and my personal physician refused to treat me. Months later the severe infection caused peritonitis and I nearly died. Due to the massive infection my cervix has badly scarred and I became infertile and was unable to get pregnant again. Years later I had breast cancer associated with the abortion and lack of pregnancy that increased my chances of having breast cancer. I was devastated to find that the blob of cells was actually human being with eyes, hands and feet. Not only did I go through physical trauma and near death I was also scarred emotionally and mentally for many years. I carried the heavy weight of guilt, shame and depression. After becoming a born again Christian in my thirties, I felt I received the forgiveness of Christ but still struggled with the abortion. Later when A Place for Women in Waipio offered a post-abortion class was when I truly receive healing and restoration. I was completely transformed and witnessed the other ladies in the class receive it also. A tremendous burden was lifted off of me.

Most of us know of family members, friends and/or co-workers where a woman has experienced a miscarriage. This loss is devastating to the parents and family. They don't just mourn a blob of cells. They mourn the loss of their unborn child. This happens with abortions also. Plus there are serious health consequences that are rarely spoken of. It may not happen all at once but later in life women experience guilt, regret and shame from having an abortion. If you say that you are for women's rights, do you not think that women deserve to know the alternatives to abortion?

It is a tremendous benefit to Hawaii to have these pregnancy and family planning centers that provide safe alternatives to abortions. Please do not hinder their vital work by passing the Hawaii Senate Bill SB501 where abortion is forced upon Christian and conservative agencies against their conscience to have to comply or else receive punitive penalties. This is violating their First Amendment rights.

Please carefully consider: **The life of the land is perpetuated in righteousness.**

I urge you to oppose SB501.

Mahalo nui loa for your time and consideration.

the tiniest patient

by Andrea Vinley



SARA F. MICHAEL CLINIC

Shaped like a banana, the lower part of Samuel's brain is pressed against his skull. Discovered at only 14 weeks gestation, the defect will only get worse as his brain is pushed further into his skull by leaking spinal fluid. His future promises severe physical handicaps and brain damage—both results of spina bifida (see "Spina Bifida Facts," right). According to the Spina Bifida

Association of America, the condition affects about 4,000 pregnancies in the United States every year. Approximately half the women whose babies are diagnosed with spina bifida choose abortion.

After two miscarriages, this was not the diagnosis Alex and Julie Amas were hoping for for their unborn son. "It's every parent's nightmare to find out your baby has something wrong with it," Alex said. "You never

think it will happen to you." Yet God had something else in mind for the Amases, who live in Douglasville, Ga., just west of Atlanta. Through a university, a newspaper and a photographer, God changed Samuel's life and struck a chord for those defending life around the world.

The three catalysts
Vanderbilt University. Open fetal surgery for spina bifida is per-

formed at only two hospitals in the United States, Children's Hospital of Philadelphia and Vanderbilt in Nashville. This innovative surgery performed in utero is intended to decrease the handicaps associated with spina bifida by reversing malformations in the brain and preventing the pressurized build up of spinal fluid (hydrocephalus). Controversy surrounds the surgery for spina bifida because the procedure is life-threatening

would help him, we would take that risk to make his life better," Julie said. "We didn't want to have the regret of, 'What if when he gets older this surgery is standard and we didn't take that chance?'"

On Aug. 19, 1999, Dr. Bruner began the delicate procedure to remove Julie's womb from her body—delicate because any major disruption could send Julie into early labor. Then Dr. Noel Tulipan opened on Samuel through a 3- to 4-inch incision in Julie's uterus. Risks of high blood loss and infection existed for both Julie and Samuel. Tulipan worked with micro-instruments to enclose the exposed spinal cord, using sutures thinner than a human hair. About an hour later Dr. Bruner reinserted her womb. Mother and child had a few days in the hospital to recover. On Dec. 2, three and a half weeks before

and the condition is not. Also, the long-term benefits of the surgery are unknown since it is relatively new. (See "Open Fetal Surgery," page 4.)

USA Today. The newspaper editorial staff wanted to cover a fetal surgery for spina bifida, particularly one being performed at the earliest possible stage. Before Samuel's operation, the earliest fetal surgery had been at 23 weeks. In case complications arise, a 23-week-old fetus is able to survive, with medical help, outside the womb. Effective measures to save a baby any younger do not currently exist. Samuel was to be operated on at 21 weeks because of the severity of his condition. *USA Today* contacted the Amnasses for permission to be present in the operating room. The Amnasses agreed.

The photograph of the century. Freelance photographer Michael Clancy was hired by *USA Today* to photograph the surgery. At the end of the surgery Dr. Joseph Bruner was preparing to close up the opening in Julie's uterus when Samuel's hand slipped out. Bruner reached down with his finger and held Samuel's tiny hand. Clancy shot a photo.

Julie and Alex, both 29, were raised by Christian parents. Their lives had been pretty smooth, no major trials or troubles—until they tried having children. Though miscarriages and the diagnosis of Samuel's condition challenged their views of God and life, they never questioned whether to bring Samuel into the world. "You can live your whole life without having to prove your beliefs through action," Alex said. "It's nice looking back to see that it was never an option to compromise our beliefs."

Once they knew Samuel had spina bifida, Julie, a full-time nurse, began researching the disease. Her mother found information about the fetal surgery, and Julie's doctor put them in touch with Dr. Bruner at Vanderbilt. After thorough counseling about the potential risks, the Amnasses believed it was the best choice.

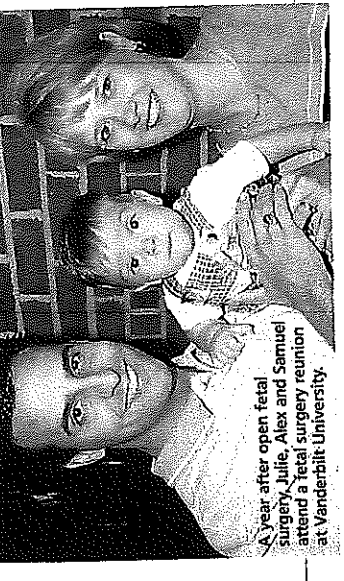
"If Samuel had already been born and there was a surgery we knew

surgery required right after birth." If they decided to let the newspaper cover someone else's surgery, Julie was afraid it might have been a couple who chose the surgery simply because they thought it was too late to have an abortion. "We wanted the message to be, 'Yeah, there's something wrong with our child, but it's not the end of the world.' It makes me sad to think that there are so many babies like Samuel who are killed just because they're imperfect," Julie said. "We all have imperfections. Some of them are just more visible than others."

Open Fetal Surgery
The first successful open fetal surgery was performed in 1981 at the University of California-San Francisco on a baby with a urinary obstruction. More than 100 open surgeries for spina bifida have been performed on unborn children at Vanderbilt University since 1997 and at the Children's Hospital of Philadelphia since 1995. Currently only these two hospitals perform the procedure for this condition.

Open fetal surgery is actually a surgery within a surgery since the uterus is extracted from the mother's body and opened for a pediatric neurosurgeon to work on the unborn child. The procedure is risky for both the mother and child because of blood loss, potential infection, and pre-term labor and delivery. It requires a team of 10 to 20 nurses and doctors in the operating room. Spina bifida is one of the few cases severe enough for which doctors will perform open fetal surgery.

At Vanderbilt the average cost for open fetal surgery is \$35,000. Only one insurance company has negotiated a contract with Vanderbilt to pay for the procedure. Getting more companies to cover the costs is complicated because an unborn child has no legal status in any state.



A year after open fetal surgery, Julie, Alex and Samuel attend a fetal surgery reunion at Vanderbilt University.

Julie and Alex were not the only ones whose pro-life beliefs were affirmed. Once the photo of Samuel's hand around Dr. Bruner's finger was published, pro-life advocates claimed it as proof of human life before birth. The U.S. House of Representatives' Judiciary Subcommittee on the Constitution used Samuel's photo during the partial-birth abortion debates.

"The picture unambiguously illustrates the humanity of an unborn child at approximately the same stage of pregnancy as most infants who are killed by partial-birth abortion," Brad Clanton, counsel for the subcommittee, told *USA Today*. "No reasonable person could look at that picture and deny that that is a tiny member of the human race, with an arm, a hand, fingers and a sense of touch."

"We've gotten calls, letters, e-mails from people all over the world who have heard the story—all because of the photograph, of course," Alex said. Despite the removal produced by Samuel's photo, the Amnasses have also received criticism from within the pro-life camp. "We've been asked several times, 'How can you say you wanted your child to live no matter what, then risk his life for this surgery?'" Julie said. "But how could it be an ethical dilemma for us to try to make his life better?"

If not for fetal surgery, Samuel would have needed surgery within a few hours of birth to prevent infection and preserve the existing function of his spinal cord. According to Dr. Bruner, the average child with spina bifida who has surgery after birth

will spend more than six months in the hospital and endure more than six major operations in the first five years of his life. Samuel has had no operations since birth except for a minor corrective surgery on his feet. He actually went home four days after he was born. So far no hydrocephalus has developed. The only spina bifida handicaps he faces are lower leg weakness and bladder- and bowel-control problems. Otherwise he is developing normally. The critical time for Samuel, as with all fetal-surgery babies, is within the first year. Now that a year has passed, doctors are hopeful that no further complications will develop.

Julie and Alex already have plans for Samuel. They have found a place that teaches scuba diving for the physically challenged and another that teaches skiing. Because Alex works as an engineer for a major airline, the Amnasses have many opportunities to travel inexpensively. They hope to take Samuel to see the places he learns about in school. "We want to give him the empowerment and motivation and faith to overcome his limitations," Alex said. "This all just goes to show that God can use anybody in the capacity that He used Samuel before he was even born."

To request a copy of the book *Before Their Time*, which describes the stories of several premature babies and their parents, see the corner of the magazine.