

STATE OF HAWAII
DEPARTMENT OF HEALTH
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WRITTEN ONLY

Testimony in SUPPORT of SB 2025
RELATING TO MEDICAL CARE FOR MINORS

SENATOR RUSSELL RUDERMAN, CHAIR
SENATE COMMITTEE ON HUMAN SERVICES

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

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: 02/05/20

Room Number: 016

1 **Fiscal Implications:** None

2 **Department Testimony:** Strongly support

3 The purpose of this measure is to permit minors over fifteen years of age to consent to medical
4 care related to the diagnosis or treatment of HIV or the prevention of HIV. Parents or legal
5 guardians would not be able to abrogate consent. The minor would not be liable for the
6 payment.

7 The department strongly supports this measure as it can help reduce the transmission and
8 acquisition of HIV and support the critical treatment of minors diagnosed with HIV. Safe,
9 effective medications for the treatment and prevention of HIV need to be accessible for all
10 individuals diagnosed with HIV or at high risk of acquiring HIV. This measure would allow
11 minors who cannot or will not seek the consent of their parents or guardians to consent to
12 medication intervention to prevent HIV infection, which does not appear to be covered by
13 existing statute. It is essential to the health of the minor and a valuable step in ending the HIV
14 epidemic in Hawaii.

15

1 **Offered Amendments:**

2 The department would like to offer amendments which move the provisions of the measure to
3 Hawaii Revised Statutes (HRS) Chapter 577A that authorizes minor consent for certain medical
4 care and services, including for the treatment of sexually transmitted infections. HIV is a
5 sexually transmitted infection and fits in this HRS chapter. [~~A new sub-section §577A-5 HIV~~
6 ~~Services to Minors is added.~~] For consistency, we recommend amending the definitions of
7 “minor” and “health care provider” in SB2025 so that they are consistent with the usage of those
8 [same as those currently] terms in HRS Chapter 577A. The department also requests to make
9 updates in HRS Chapter 577A terminology from “venereal disease” to “sexually transmitted
10 infection.” This bill appears to be an appropriate vehicle for such updates.

11 The department has attached an amended SB2025, which includes its placement in HRS Chapter
12 577A, use of the definitions in this chapter, and replacement of the term “venereal disease” with
13 “sexually transmitted infections.”

14 Thank you for the opportunity to testify.

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1 RELATING TO MEDICAL CARE FOR MINORS.

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3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

4 SECTION 1. Chapter 577A, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§577A-1 Definitions.** For the purpose of this chapter,
7 the following terms shall be defined as follows:

8 "Family planning services" includes counseling and medical
9 care designed to facilitate family planning.

10 "Medical care and services" means the diagnosis,
11 examination, and administration of medication in the prevention
12 or treatment of [~~venerreal diseases,~~] sexually transmitted
13 infection, pregnancy, and family planning services. It shall
14 not include surgery or any treatment to induce abortion.

15 "Minor" shall be any person from the age of fourteen to
16 seventeen inclusive.

17 "Sexually transmitted infection" means an infection that is
18 commonly transmitted through sexual contact, including, but not
19 limited to, human immunodeficiency virus infection.

20 **§577A-2 Consent valid.** The consent to the provision of
21 medical care and services by public and private hospitals or
22 public and private clinics, or the performance of medical care

1 and services by a physician licensed to practice medicine or
2 advanced practice registered nurse as defined in section
3 457-2.7, when executed by a female minor who is or professes to
4 be pregnant, or by a minor who is or professes to be [~~afflicted~~
5 ~~with a venereal disease,~~] infected with, or to have been exposed
6 to, a sexually transmitted infection, or a minor seeking family
7 planning services shall be valid and binding as if the minor had
8 achieved his or her majority as the case may be; that is, a
9 female minor who is, or professes to be pregnant, or a minor who
10 is, or professes to be [~~afflicted with a venereal disease,~~]
11 infected with, or to have been exposed to, a sexually
12 transmitted infection, or a minor seeking family planning
13 services shall be deemed to have, and shall have the same legal
14 capacity to act, and the same legal obligations with regard to
15 the giving of such consent to such hospitals and such clinics or
16 medical care and services to be provided by a physician licensed
17 to practice medicine or advanced practice registered nurse as
18 defined in section 457-2.7, as a person of full legal age and
19 capacity, the infancy of the minor and any contrary provisions
20 of law notwithstanding, and such consent shall not be subject to
21 later disaffirmance by reason of such minority; and the consent
22 of no other person or persons (including, but not limited to a

1 spouse, parent, custodian, or guardian) shall be necessary in
2 order to authorize such hospitals or such clinics or medical
3 care and services provided by a physician licensed to practice
4 medicine or advanced practice registered nurse as defined in
5 section 457-2.7, to such a minor.

6 **§577A-3 Providing information.** Public and private
7 hospitals, or public and private clinics or physicians licensed
8 to practice medicine or advanced practice registered nurses as
9 defined in section 457-2.7 may, at the discretion of the
10 treating physician or advanced practice registered nurse, inform
11 the spouse, parent, custodian, or guardian of any minor patient
12 of the provision of medical care and services to the minor or
13 disclose any information pertaining to such care and services
14 after consulting with the minor patient to whom such medical
15 care and services have been provided under this chapter.

16 If the minor patient is not diagnosed as being pregnant or
17 ~~[afflicted with [a] venereal disease,]~~ having a sexually
18 transmitted infection, such information as well as the
19 application for diagnosis may be disclosed, at the discretion of
20 the treating physician or advanced practice registered nurse
21 after consulting with the minor patient.

1 **§577A-4 Financial responsibility; counseling.** (a) If a
2 minor consents to receive medical care and services, the spouse,
3 parent, custodian, or guardian of the minor patient shall not be
4 liable for the legal obligations resulting from the furnishing
5 of medical care and services provided by the public and private
6 hospital, public and private clinic or physician licensed to
7 practice medicine, or advanced practice registered nurse as
8 defined in section 457-2.7. A minor who consents to the
9 provision of medical care and services under this section shall
10 assume financial responsibility for the costs of such medical
11 care and services~~[-]~~; provided that if a minor consents to
12 receive medical care and services related to HIV pursuant to
13 this section, the minor shall not be liable for payment. Any
14 other law to the contrary notwithstanding, no spouse, parent,
15 custodian, or guardian whose consent has not been obtained or
16 who has no prior knowledge that the minor has consented to the
17 provision of such medical care and services shall be liable for
18 the costs incurred by virtue of the minor's consent.

19 (b) Medical care and services shall include individual
20 counseling for each minor patient by a physician licensed to
21 practice medicine or advanced practice registered nurse as

1 defined in section 457-2.7. Such counseling shall seek to open
2 the lines of communication between parent and child.

3 **§577A-5 Limitation of actions.** Notwithstanding any other
4 law to the contrary, an action to recover any debt founded upon
5 any contract, obligation, or liability made pursuant to this
6 chapter shall not commence until a minor has reached the age of
7 majority, provided that said action shall commence within two
8 years of the date a minor reaches the age of majority."

9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 3. This Act shall take effect upon its approval.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Rick Collins, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of

West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action

Network

Hawaii Health & Harm

Reduction Center

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native

Hawaiian Health Care

Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together

(PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community

Center

The Catalyst Group

January 31, 2020

To: Senator Roslyn Baker
And members of the Committee on Consumer Protection and Health

Comments on SB 2025 Relating to Medical Care for Minors

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, is providing comment on SB 2025 Relating to Medical Care for Minors.

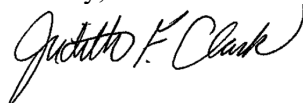
HYSN believes that minors should have the right to provide consent for HIV testing and treatment.

We believe that this bill is unnecessary because Hawaii State Statutes Chapter 577D-2 has already established the right of minors ages 14 and older to consent for primary medical care and services.

We believe that testing and treatment for HIV is a form of primary medical care and services. If this is not correct, then HYSN strongly supports this bill.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH

Executive Director

SB-2025

Submitted on: 2/3/2020 1:22:39 PM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------------|---|---------------------------|---------------------------|
| Pride at Work - Hawaii | Testifying for Pride @ Work - Hawaii | Support | No |

Comments:



February 3, 2020

Senate's Committees on Human Services & Commerce, Consumer Protection, and Health
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, HI 96813

Hearing: Wednesday, February 5, 2020 – 2:45 p.m.

RE: **STRONG SUPPORT for Senate Bill 2025**

Aloha Chair Ruderman, Chair Baker and fellow committee members,

I am writing in STRONG SUPPORT for Senate Bill 2025 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i, Hawaii's oldest and largest policy and political LGBTQIA+ focused organization. SB 2025 permits minors over fifteen years of age to consent to medical care related to the diagnosis or treatment of HIV or the prevention of HIV.

Coming out is personal decision and no minor should have to come out to get access to life saving HIV treatment or HIV prevention drugs.

For these reasons the LGBT Caucus fully supports SB 2025.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr.
Chair
LGBT Caucus of the Democratic Party of Hawai'i

SB-2025

Submitted on: 2/3/2020 5:13:34 PM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|--|---------------------------|---------------------------|
| Laurie Field | Testifying for Planned Parenthood Votes Northwest and Hawaii | Support | No |

Comments:

TO: Senate Committee on Human Services and Committee on Commerce, Consumer Protection and Health

Hearing: Wednesday, February 5, 2020 at 2:45 PM

From: Heather Lusk, Executive Director, Hawaii Health and Harm Reduction Center

Strong Support for SB 2025

Dear Senator Rosalyn H. Baker, Chair and Senator Russell E. Ruderman Chair and members of the committees

The Hawaii Health & Harm Reduction Center (HHHRC) strongly supports SB 2025 which will increase access to HIV medical care for minors. HIV prevention and care have transformed over the past decade and it is essential that young people also have access to these emerging medical interventions so that they can either prevent acquiring HIV or if they are living with it, get the care they need to live well and not transmit the virus to others.

HHHRC's mission is to *reduce harm, promote health, create wellness and fight stigma in Hawaii and the Pacific*. We focus our efforts on those disproportionately affected by social determinants of health, including but not limited to: people living with and/or affected by HIV, hepatitis, substance use, and the transgender, LGBTQ and the Native Hawaiian communities. We foster health, wellness, and systemic change in Hawai'i and the Pacific through care services, advocacy, training, prevention, education, and capacity building. HHHRC's roots are working with people living with and at-risk for HIV and has been at the forefront of "Hawaii to Zero". Hawaii to Zero is a coalition of members who are committed to getting to zero new HIV infections, zero HIV-related deaths and zero stigma. This bill, SB 2025 addresses all three components. Specifically, HHHRC launched Hawaii's first PrEP program which provides HIV antiviral to HIV negative people to prevent infection. HHHRC has had to turn away several young people who did not have parental consent for this important drug.

Thank you for the opportunity to testify.

SB-2025

Submitted on: 2/1/2020 1:53:29 PM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Richard Onderko | Individual | Support | No |

Comments:

I fully support SB2316. I urge the Hawaii State legislature to pass this bill.

Mahalo

SB-2025

Submitted on: 2/1/2020 9:38:00 AM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------------|---------------------|---------------------------|---------------------------|
| Lynn Robinson-Onderko | Individual | Support | No |

Comments:

SB-2025

Submitted on: 2/1/2020 11:12:42 PM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Steffanie Humphrey | Individual | Support | No |

Comments:

SB-2025

Submitted on: 2/3/2020 10:10:31 AM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Jen Jenkins | Individual | Support | No |

Comments:

SB-2025

Submitted on: 2/3/2020 10:43:00 AM

Testimony for HMS on 2/5/2020 2:45:00 PM

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

Comments:

SB-2025

Submitted on: 2/3/2020 1:42:04 PM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Glenda Tali | Individual | Support | No |

Comments:

I have humbly and proudly worked in the LGBT community for more than two years. I am a nurse practitioner and have personally seen gay, bisexual, and transgender youth in situations where they are at high risk for HIV infection through unprotected sex. I believe this is due, in part, to fear of parental reactions and treatment.

Evidence-based medical intervention demonstrates that effectively prevents HIV transmission and builds rapport with primary care provider around other sexual health issues. The intent of this bill is not to disrupt meaningful and supportive parental and family relationships, but rather to provide opportunities for youth facing stigma and discrimination when seeking health care. This bill is critical to ensuring that at-risk youth identifying as sexual or gender minorities in Hawaii can attain access to life-saving prevention services without fear or other barriers to care.

Thank you.

SB-2025

Submitted on: 2/3/2020 8:33:19 PM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Mike Golojuch | Individual | Support | No |

Comments:

I strongly support SB2025. Minors need this provision.

Please pass SB2025

Mike Golojuch, Sr., Lt Col, USAF (Ret)

Secretary, Rainbow Family 808

SB-2025

Submitted on: 2/3/2020 11:42:28 PM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Jo-Ann M Adams | Individual | Support | No |

Comments:

While I am always concerned about lowering the age of consent, in this case, I believe that the benefits of lowering the age outweigh the risks. Here we are dealing with a potentially fatal, and certainly a life-altering, disease. Providing access to health care and education in this situation I believe is in the best interest of the society as a whole.

SB-2025

Submitted on: 2/4/2020 8:40:23 AM

Testimony for HMS on 2/5/2020 2:45:00 PM

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

Comments:

SB-2025

Submitted on: 2/4/2020 9:07:20 AM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Eileen McKee | Individual | Support | No |

Comments:

I stand in strong support for Senate Bill 2025.

Eileen McKee

279 Alaume St.

Kihei, 96753

SB-2025

Submitted on: 2/4/2020 11:39:46 AM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Sherry Alu Campagna | Individual | Support | No |

Comments:

SB-2025

Submitted on: 2/4/2020 11:43:15 AM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kamuela Werner MPH | Individual | Support | No |

Comments:

SB-2025

Submitted on: 2/4/2020 12:28:56 PM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Scott Kilousky | Individual | Support | No |

Comments:

Allowing youth the opportunity to access preventative measures to ensure continued wellbeing is vital for our state's continued efforts in harm reduction. This bill could potentially prevent new cases of HIV and reduce barriers to HIV prevention services. This is an opportunity to provide our youth with the autonomy to protect themselves during a time of exploration. They get to decide what is best for them, and we as a state get to provide them that space. Please consider passing this bill. Thank you for your time and effort.

SB-2025

Submitted on: 2/4/2020 1:10:25 PM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Nikos Leverenz | Individual | Support | No |

Comments:

Chair Ruderman, Vice Chair Rhoads, and Members of the Senate Human Services Committee:

Chair Baker, Vice Chair Chang, and Members of the Commerce, Consumer Protection & Health Committee:

I am writing in my personal capacity to **strongly support** SB 2025, which would allow minors to consent for HIV care and prevention services, including access to pre-exposure prophylaxis (PrEP), without parental consent. Authorizing adolescent access to PrEP will help prevent HIV infection among those who use it, particularly among those who are sexual and gender minorities.

It's an astonishingly dangerous posture of stubborn foolhardiness that Hawaii public schools do not offer comprehensive science-based sexual health education at regular intervals from at least grades 7 through 12. Even with information broadly available on the internet, professional person-to-person instruction from qualified presenters is vital in lowering unwanted pregnancy rates and sexually transmitted infections (STI's).

Hawaii's disproportionately high rates of STI's among youth can be addressed by an embrace of science-based education and additional prevention measures, including the free on-demand distribution of condoms and lube by a school's health office.

Thank you for the opportunity to provide testimony.

SB-2025

Submitted on: 2/4/2020 1:26:36 PM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| RUSSELL ABORDO | Individual | Support | No |

Comments:

We have a very effective drug (PrEP) that can prevent HIV and everyone deserves access without fear of stigma

Our youth are one of the highest rates of new HIV infections across all ethnic groups – they deserve access to PrEP. Some parents who may be more conservative do not understand and could be a barrier if they had to get consent

This bill is for all STDs, not just HIV and young people can already consent to sensitive services but this also covers the prescription of PrEP without consent.

SB-2025

Submitted on: 2/4/2020 2:07:51 PM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kavika Puahi | Individual | Support | No |

Comments:

I strongly urge the committee to pass this bill.

We are seeing a hike in HIV infections among youth that could be avoided if access to PrEP, without parental consent, is permitted. Unfortunately, many parents' lack the necessary knowledge about PrEP which inevitably leads them to becoming a barrier to their own child's health.

The evidence around the efficacy of PrEP is out there. We should not allow barriers to healthy living continue when it can be prevented.

Thank you.

SB-2025

Submitted on: 2/4/2020 2:11:08 PM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| David Shaku | Individual | Support | No |

Comments:

Youth of all genders are one of the highest risk of new HIV infections.

Pre-Exposure Prophylaxis (PrEP) is a safe, effective way to stop HIV from spreading. This is not a morality issue, this is a public health issue.

Young people can already consent to sensitive services like HIV/HCV testing, they should be able to consent to prentative treatment as well.

PrEP can stop HIV from taking hold and spreading throught the body. Please do not allow our youth to miss the opportunity to prevent a life-altering diagnosis because stigma and/or parental consent presents them with a barrier to confidential care. <https://www.cdc.gov/hiv/basics/prep.html>

SB-2025

Submitted on: 2/4/2020 3:14:36 PM

Testimony for HMS on 2/5/2020 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Yan Jung | Individual | Support | No |

Comments:

- Hawaii's gay and bisexual youth are more likely to be at risk for HIV through unprotected sex. (citation: <https://www.ncbi.nlm.nih.gov/pubmed/31205813>)
- The 2014 and 2015 Behavioral Risk Factor Surveillance System found that transgender women and men self-reported a lower prevalence of HIV testing compared with their gay and/or bisexual cisgender counterparts. (citation: <https://www.cdc.gov/mmwr/volumes/66/wr/mm6633a3.htm>)
- Pre Exposure Prophylaxis is an evidence-based medical intervention that effectively prevents HIV and builds rapport with primary care around other sexual health issues. (citation: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5762125/>)
- This bill is not intended to disrupt meaningful and supportive parental and family relationships, but to provide opportunities for those youth facing stigma and discrimination when seeking care.
- This bill is necessary to ensure that at-risk youth who identify as sexual and gender minorities in Hawaii can attain access to life-saving prevention services without fear of stigma or other barriers to care.