

STAND. COM. REP. NO. 1771

Honolulu, Hawaii

APR 19 2021

RE: H.C.R. No. 162
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committees on Health, Human Services, and Education, to which was referred H.C.R. No. 162, H.D. 1, entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES; DEPARTMENT OF HEALTH, VIA THE BEHAVIORAL RISK FACTOR SURVEILLANCE SYSTEM; AND DEPARTMENT OF EDUCATION, VIA THE YOUTH RISK BEHAVIOR SURVEILLANCE SYSTEM, TO COLLECT INFORMATION ON THE SEX, SEXUAL ORIENTATION, AND GENDER IDENTITY AND GENDER EXPRESSION OF RESPONDENTS, INCLUDING RESPONDENTS WHO ARE UNDER THE SUPERVISION OF THE COURTS AND THE HAWAII YOUTH CORRECTIONAL FACILITY,"

beg leave to report as follows:

The purpose and intent of this measure is to request that the Department of Human Services; Department of Health, via the Behavioral Risk Factor Surveillance System; and Department of Education, via the Youth Risk Behavior Surveillance System, collect information on the sex, sexual orientation, gender identity, and gender expression of respondents, including respondents who are under the supervision of the courts and the Hawaii Youth Correctional Facility.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, LGBT Caucus of the Democratic Party of Hawai'i, Hawaii Youth Services Network, LGBTQ+ Rainbow Alliance, Planned Parenthood Alliance Advocates, Pride at Work -



Hawai'i, Rainbow Family 808, The Trevor Project, and seven individuals. Your Committees received comments on this measure from the Department of Human Services and Department of Health.

Your Committees find that lesbian, gay, bisexual, transgender, queer or questioning and intersex (LGBTQI) youth, particularly LGBTQI youth of color, face discrimination and stigma that leads to criminalization and increased interactions with law enforcement and the criminal justice system. Your Committees further find that LGBTQI youth of color and transgender and non-conforming youth are particularly overrepresented in the juvenile and criminal justice systems. Data collected on sexual orientation, gender identity, gender expression, and intersex variation intersects with statewide anti-discrimination work and could inform decision-making processes, such as identifying the possible disproportionate impact of the criminal justice system and evaluating the efficacy of work done to alleviate obstacles unique to LGBTQI youth populations. This measure requests the Departments of Human Services, Health, and Education to collect information on the sex, sexual orientation, gender identity, and gender expression of respondents, including respondents who are under the supervision of the courts and the Hawaii Youth Correctional Facility.

Your Committees recognize the testimony of the Department of Health, which explained that the Behavior Risk Factor Surveillance System and the Youth Risk Behavior Survey do not collect data on people under the supervision of the courts and the Hawaii Youth Correctional Facility. Therefore, this measure as written would not effectively obtain the requested information. Accordingly, your Committees have amended this measure by:

- (1) Removing the references to the Behavior Risk Factor Surveillance System and Youth Risk Behavior Surveillance System;
- (2) Requesting the Departments of Public Safety and Human Services to work with the Departments of Health and Education and the Judiciary to submit a plan to account for gender identity with respect to incarcerated and court-involved youth;



- (3) Requesting the departments to work with the Sexual and Gender Minority Workgroup to address the incidence of LGBTQI youth in the juvenile and criminal justice systems;
- (4) Amending the measure's title to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Health, Human Services, and Education that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 162, H.D. 1, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 162, H.D. 1, S.D. 1.

Respectfully submitted on behalf of the members of the Committees on Health, Human Services, and Education,



JOY A. SAN BUENAVENTURA, Chair



JARRETT KEOHOKALOOLE, Chair

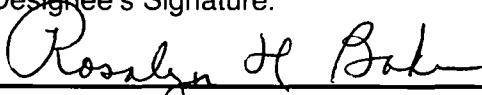


MICHELLE N. KIDANI, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:		
HCR 102 HD1	HTH/HMS/EDU	4-9-2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
BAKER, Rosalyn (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt	✓			
TOTAL	5	-	-	-
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes

