

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 618  
S.D. 1

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

Sir:

Your Committee on Health, to which was referred S.B. No. 618 entitled:

"A BILL FOR AN ACT RELATING TO PARENTAGE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend the Uniform Parentage Act to allow non-gestational partners to voluntarily establish parentage of a child during the period immediately prior to or following the birth of the child; and
- (2) Require the State to recognize parentage determinations from other states and territories.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, LGBT Caucus of the Democratic Party of Hawaii, AF3IRM Hawai'i, Planned Parenthood Votes Northwest and Hawaii, Hawai'i Women's Coalition, Trans Hawai'i Project, and one hundred and eight individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that existing parentage laws reflect cisheteronormative concepts of families, parenthood, and parental rights. Your Committee further finds that because parentage laws



use the terms "paternity", "natural mother", and "natural father", LGBTQ+ parents are forced to obtain post-birth adoption decrees that cost thousands of dollars, otherwise known as the "queer parent penalty", placing an extreme financial and emotional burden on queer families who wish to adopt children. This measure removes this penalty by allowing non-gestational partners of any gender identity to voluntarily establish parentage at the time of a child's birth.

Your Committee recognizes the testimony of the Department of the Attorney General, which expresses concern that the measure as drafted would create inconsistencies in the Uniform Parentage Act and thereby lead to unintended effects, such as precluding male same-sex couples from establishing parentage at the time of birth. Therefore, your Committee has amended this measure by:

- (1) Defining "gestational parent" to mean an individual who gives birth to a child;
- (2) Defining "non-gestational parent" to mean an individual of any gender identity who establishes their co-parentage of a child with the consent of a gestational parent; and
- (3) Authorizing two non-gestational parents to expedite the establishment of parentage at the time of a child's birth.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 618, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 618, S.D. 1, and be referred to your Committee on Judiciary.

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

  
FARRETT KEOHOKALOLE, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:* <i>SB 618</i>	Committee Referral: <i>HTH, JDC</i>	Date: <i>2-17-2021</i>
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The Committee is reconsidering its previous decision on this measure.  
If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
 Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
BAKER, Rosalyn (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt		✓		
<b>TOTAL</b>	<i>4</i>	<i>1</i>	<i>—</i>	<i>—</i>

Recommendation:      Adopted      Not Adopted

Chair's or Designee's Signature:  
*Rosalyn de Beke*

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\*Only one measure per Record of Votes