

STAND. COM. REP. NO. **207** -24

Honolulu, Hawaii

**FEB 08**, 2024

RE: H.B. No. 2079  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Health & Homelessness, to which was referred H.B. No. 2079 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Relax the requirements for prescribing certain controlled substances as part of gender-affirming health care services;
- (2) Expand the protections established under Act 2, Session Laws of Hawaii 2023, to include gender-affirming health care services; and
- (3) Clarify jurisdiction under the Uniform Child-Custody Jurisdiction and Enforcement Act for cases involving children who obtain gender-affirming health care services.

Your Committee received testimony in support of this measure from the Hawai'i State Center for Nursing; one member of the Hawai'i County Council; Rainbow Family 808; Democratic Party of Hawai'i; Pride at Work - Hawai'i; Hawai'i Health & Harm Reduction Center; Stonewall Caucus of the Democratic Party of Hawai'i;

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QueerDoc; Physicians for Reproductive Health; ATA Action; and numerous individuals. Your Committee received testimony in opposition to this measure from One Impact Hawaii; Pono Records; and numerous individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs; Office of Information Practices; Hawaii Medical Board; Board of Nursing; Board of Psychology; Hawaii Medical Service Association; and Kaiser Permanente Hawai'i.

Your Committee finds that across the nation there has been a push by certain states to restrict access to gender-affirming health care and establish overreaching provisions that would allow these states to prosecute an out-of-state provider for providing gender-affirming care to an individual who resides in that state. Your Committee finds that these laws are intended to have a chilling effect and unnecessarily reach across State lines in an attempt to extinguish gender-affirming care throughout the nation. These laws are contrary to the public policy of the State of Hawaii and should not be enforceable in any Hawaii court or be the basis for granting any legal or equitable relief in any Hawaii court. Your Committee believes that creating a framework to protect safe, quality, evidence-based health care practice, including gender-affirming health care services, reaffirms the State's commitment to protecting an individual's right to their gender identity or expression.

Your Committee has amended this measure by:

- (1) Clarifying that the prohibition against disclosure of communications or information regarding certain patient information does not include uses and disclosures that a covered entity is permitted to exclude from an accounting of disclosures under federal regulations;
- (2) Clarifying that the prohibition against providing information and expending resources in response to certain out-of-state or interstate investigations or proceedings does not include the provision of publicly available information;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and



- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2079, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2079, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

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

*Della A. Belatti*

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DELLA AU BELATTI, Chair



