



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KIWILA O HAWAI‘I

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 586-8692

Wednesday, March 1, 2023, 10:10 a.m.
Conference Room 211 & Videoconference

To: The Honorable Senator Donovan M. Dela Cruz, Chair
The Honorable Senator Gilbert S.C. Keith-Agaran, Vice Chair
Members of the Senate Committee on Ways and Means

From: Liann Ebesugawa, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 1167, S.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

S.B. No. 1167, S.D.1 proposes a constitutional amendment to protect an individual's reproductive freedom in their most intimate decisions, including the right to abortion and contraceptives.

HCRC supports S.B. No. 1167, S.D.1.

HCRC support for this bill is rooted in the context of a frontal assault on constitutional and civil rights at the federal level. A U.S. Supreme Court conservative super-majority appears poised to eviscerate constitutional rights jurisprudence that we have taken for granted for a generation. In a parade of horrors, the Court has turned the clock back on abortion and reproductive rights and establishment of religion, while limiting state regulation of guns and open carry laws with expansive reading of 2nd amendment rights, giving notice that other hard-won rights are in its crosshairs. Federal constitutional protections that are in jeopardy include unenumerated privacy protections (right to contraception, striking down state law criminalization of same-sex relationships, and marriage equality). In this context, it is prudent for Hawai‘i to

renew its state commitment to hard-won rights that we have exercised for generations. Adoption of an express state constitutional protection for reproductive freedom in the most private and intimate decisions, including the right to abortion and contraceptives, serves as a “backstop” against the onslaught on fundamental rights that has been unleashed, and a strong reaffirmation of the express right to privacy already guaranteed in our state constitution.

For nearly fifty years, the U.S. Supreme Court’s decision in *Roe v. Wade* established a fundamental right for an individual to access abortion based on a constitutional right to privacy. However, in 2022, the Supreme Court overturned *Roe* in *Dobbs v. Jackson Woman’s Health Organization*, paving the way for individual states to restrict and even eliminate individuals’ right to these medical decisions for themselves and/or based on the advice of individuals’ medical advisors.

Historically, the State of Hawai‘i has had a strong commitment to the protection of civil rights, found in Art. I § 5 of the State Constitution which states that “[n]o person . . . shall be denied the enjoyment of the person’s civil rights or be discriminated against in the exercise thereof because of race, religion, sex, or ancestry.” This provision grants our citizens the fundamental right to be free from race, religion, sex or ancestry discrimination, and was first adopted by the Constitutional Convention of 1950 (ratified as Article I, §4), prior to Hawai‘i becoming a state. Const. Conv. of 1950, v. 1. There is no counterpart civil rights clause in the United States Constitution.

Hawai‘i has a proud civil rights history. We were the first state to ratify the Equal Rights Amendment, and we have an ERA in our State Constitution Bill of Rights. Article I, §3. And, we have an express right to privacy in our State Constitution as well. Article I, §6. We were the first state to recognize women’s right to choose and, to our credit, the first to address the issue of same-sex marriage seriously. Each generation has a responsibility to protect and defend these state constitutional and civil rights.

An individual’s right to make reproductive health decisions is a civil right. In 2019 the Legislature recognized this right and codified its protection, amending HRS § 378-2 to expressly add reproductive health decisions as a protected basis upon which employment discrimination is prohibited. HRS § 378-2(a)(1), 378-2(a)(9) [am L 2019, c 178 §2] (“Reproductive health decisions” include the use or attempted use of any legal drug, device, or medical service intended to prevent or terminate a pregnancy, or the use or attempted use of any assisted reproductive

technology. HRS § 378-1). Reproductive health decisions are deeply personal choices, and individuals in our state should have confidence that the right to make these private decisions continues to be protected under our state constitution.

The HCRC supports S.B. No. 1167, S.D.1.



SB 1167, SD1, PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION TO PROTECT INDIVIDUAL REPRODUCTIVE RIGHTS.

MARCH 1, 2023 · SENATE WAYS AND MEANS COMMITTEE · CHAIR SEN. DONOVAN DELA CRUZ

POSITION: Support.

RATIONALE: Imua Alliance supports SB 1167, SD1, which proposes an amendment to the Hawai'i State Constitution to protect individual reproductive rights.

Reproductive care is an essential form of healthcare. In March of 1970, Hawai'i became the first state to legalize abortion, three years before the landmark *Roe v. Wade* decision by the United States Supreme Court protected access to abortion nationwide. In so doing, the state recognized that preserving access to safe and legal reproductive care is a vital public health objective for the islands. Yet, Hawai'i's unique geography and high cost of living present barriers to obtaining reproductive care for potential patients. As of 2022, only three abortion providers exist in the islands and only Oahu and Maui host reproductive care clinics. According to Planned Parenthood, the number of abortion providers in the state has been on the decline since the 1990s.

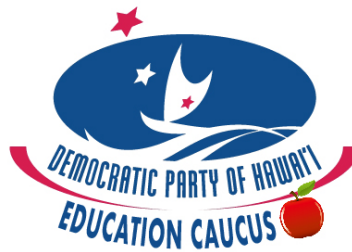
Moreover, studies show that access to abortion care is linked to financial well-being. According to The Turnaway Study conducted by Advancing New Standards in Reproductive Health at the University of California San Francisco, people who were denied access to an abortion experienced an increase in household poverty lasting at least four years relative to those who received an abortion. Women who lacked access to reproductive care were also found to be less

able to pay for basic living expenses, had lower credit scores, and had higher rates of debt and eviction than those with access to abortion care.

The U.S. Supreme Court's disastrous ruling in *Dobbs v. Jackson Women's Health Organization* overturned *Roe v. Wade* and ended the federal constitutional right to abortion care. In overturning *Roe v. Wade*, the U.S. Supreme Court erased nearly fifty years of legal precedent supporting the fundamental right to reproductive freedom, leading to a wave of abortion restrictions enacted by state legislatures across the country. The Court's decision disproportionately harms black, latino, indigenous, and other people of color, for whom access to healthcare and economic opportunities has historically been impeded by systemic racism.

In response to the Supreme Court's catastrophic ruling in *Dobbs v. Jackson Women's Health Organization*, state policymakers must take action to uphold Hawai'i's legacy as a leader in advancing reproductive care and enact policies to strengthen reproductive rights in the islands. Accordingly, and for the sake of the sex trafficking survivors whom we have helped to obtain vital reproductive care, we support this bill's proposal of a constitutional amendment that would permanently guarantee access to reproductive care for our island home.

Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · kris@imuaalliance.org



SENATE BILL 1167, SD1, PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION TO PROTECT INDIVIDUAL REPRODUCTIVE RIGHTS.

MARCH 1, 2023 · SENATE WAYS AND MEANS
COMMITTEE · CHAIR SEN. DONOVAN DELA CRUZ

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus **supports** SB 1167, SD1, which proposes an amendment to the Hawai'i State Constitution to protect individual reproductive rights.

Reproductive care is an essential form of healthcare. In March of 1970, Hawai'i became the first state to legalize abortion, three years before the landmark *Roe v. Wade* decision by the United States Supreme Court protected access to abortion nationwide. In so doing, the state recognized that preserving access to safe and legal reproductive care is a vital public health objective for the islands. Yet, Hawai'i's unique geography and high cost of living present barriers to obtaining reproductive care for potential patients. As of 2022, only three abortion providers exist in the islands and only Oahu and Maui host reproductive care clinics. According to Planned Parenthood, the number of abortion providers in the state has been on the decline since the 1990s.

Moreover, studies show that access to abortion care is linked to financial well-being. According to The Turnaway Study conducted by Advancing New Standards in Reproductive Health at the University of California San Francisco, people who were denied access to an abortion experienced an increase in household poverty lasting at least four years relative to those who received an abortion. Women who lacked access to reproductive care were also found to be less

able to pay for basic living expenses, had lower credit scores, and had higher rates of debt and eviction than those with access to abortion care.

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In response to the Supreme Court's catastrophic ruling in *Dobbs v. Jackson Women's Health Organization*, state policymakers must take action to uphold Hawai'i's legacy as a leader in advancing reproductive care and enact policies to strengthen reproductive rights in the islands. Accordingly, and for the sake of the numerous keiki who rely on abortion services each year, we support this bill's proposal of a constitutional amendment that would permanently guarantee access to reproductive care for our island home.

Kris Coffield · Chairperson, DPH Education Caucus · (808) 679-7454 · kriscoffield@gmail.com



Submitted Online: February 28, 2023

HEARING Wednesday, March 1, 2023

TO: Senate Committee on Ways & Means
Sen. Donovan Dela Cruz, Chair
Sen. Gilbert Keith-Agaran, Vice-Chair

FROM: Eva Andrade, President

RE: Opposition to SB1167 SD1 Proposing an Amendment to the Hawaii State Constitution to Protect Individual Reproductive Rights

Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii. We oppose this bill because the proposed amendment makes “reproductive freedom” a constitutional right, but unfortunately fails to define this key term. Confronted with this lack of clarity, our understanding is that courts interpreting this broad term could conclude that “reproductive freedom” means far more than just unfettered, unregulated access to abortion, contraceptives, and sterilization.

By enshrining undefined “reproductive freedom” into the Hawaii Constitution, the proposed amendment could very well endanger the safety of women by prohibiting common-sense limits and regulations on abortion and undermine the state’s ability to protect other fundamental rights.

Please understand, we do not believe regulations are an end goal – killing the unborn should be stopped – but regulations are necessary to protect the health and life of women who do choose to have an abortion and, to whatever extent possible, reduce the number of women who make such a choice.

Abortion, the killing of the unborn, is a medical procedure no matter what supporters might say, and as any other medical procedure it must be regulated to ensure the mother’s safety.

Mahalo for the opportunity to submit testimony in opposition.



ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII
DIOCESE OF HONOLULU
Witness to Jesus



Online Submittal: February 27, 2023

HEARING: March 1, 2023

TO: Senate Committee on Ways & Means
Sen. Donovan Dela Cruz, Chair
Sen. Gilbert Keith-Agaran, Vice-Chair

FROM: Bishop Larry Silva, Roman Catholic Church in the State of Hawaii

POSITION: Opposition to SB 1167, SD1 Proposing an Amendment to the Hawaii State Constitution to Protect Individual Reproductive Rights

Honorable members of the Senate Ways & Means committee, I am Bishop Larry Silva, representing the Roman Catholic Church in the State of Hawaii. Thank you for the opportunity to provide testimony in opposition to SB 1167 SD1, Proposing an Amendment to the Hawaii State Constitution to Protect Individual Reproductive Rights.

The Hawaii Catholic Conference vehemently opposes SB 1167 SD1, which looks to enshrine the most extreme forms of abortion into the Hawaii Constitution. We believe in protecting life at every age in every stage and are extremely troubled by the broad language in the bill referencing “reproductive freedom”. Usage of such a broad term paves the way for unregulated abortion, commercial surrogacy, and sterilizing gender transition surgeries.

The sad reality is that Hawaii already has some of the most accommodating abortion laws in the nation which include extensive funding for abortion services without any corresponding equitable funding for pregnant women and mothers.

Please do not pass this bill. Mahalo for the opportunity to submit written testimony in opposition.

HAWAII CATHOLIC CONFERENCE

(The public policy voice for the Roman Catholic Church in the State of Hawaii)

6301 Pali Highway, Kaneohe, Hawaii 96744-5224 Phone: (808) 203.6704 | www.catholicahawaii.org hcc@rcchawaii.org

LATE

SB-1167-SD-1

Submitted on: 2/28/2023 2:17:22 PM
Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---|---------------------------|------------------------|
| Michael Golojuch Jr | Testifying for Stonewall Caucus of the Democratic Party of Hawaii | Support | Written Testimony Only |

Comments:

Aloha Senators,

The Stonewall Caucus of the Democratic Party of Hawai‘i; Hawai‘i’s oldest and largest policy and political LGBTQIA+ focused organization fully supports SB 1167 SD 1.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

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

LATE



February 28, 2023

Senator Donovan M. Dela Cruz, Chair
Senate Committee on Ways and Means

**Re: S.B. 1167, S.D. 1 Proposing an Amendment to the Hawaii State
Constitution to Protect Individual Reproductive Rights**

**Hearing: Wednesday, March 1, 2023, 10:10 AM, Room 211 & Via
Videoconference**

Dear Chair Dela Cruz and the Members of the Committee on Ways and Means:

Hawaii Women Lawyers is a lawyer's trade organization that aims to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

We respectfully submit this testimony **in opposition to S.B. 1167, S.D. 1** Proposing an Amendment to the Hawaii State Constitution to Protect Individual Reproductive Rights, which proposes a constitutional amendment to protect an individual's reproductive freedom in their most intimate decisions, including the right to abortion and contraceptives.

In the aftermath of the United States Supreme Court's recent decision in *Dobbs v. Jackson Women's Health Organization*, which overturned *Roe v. Wade*, it is more important than ever for the State to reaffirm and shore up the protections for abortion care in Hawai'i law. As many other states have either banned or severely restricted access to abortion, we strongly believe that it is imperative for Hawai'i to take a stand against these actions, as well as to provide immediate protection to Hawai'i's health care providers who assist in these critical procedures.

While we strongly support protecting individual reproductive health rights, we are concerned that S.B. 1167, S.D. 1 does not directly address the statutes relating to abortion access, does not cover protections for healthcare workers, and will not be effective, if at all, until the next general election in 2024. Although Hawaii Women Lawyers appreciates the intent of this measure, we respectfully assert that it is critically important for legislative efforts to be focused on updating Hawai'i's abortion statutes and providing immediate statutory protections for healthcare workers in order to return Hawai'i to the state of the law as it existed under *Roe* as soon as possible.

Specifically, we feel that the amendments contemplated in S.B. 1, S.D. 1 (Relating to Healthcare) represent a more nuanced and statutorily precise approach to providing the best support possible for Hawai'i abortion rights. As it is presently drafted, S.B. 1, S.D. 1 is

intended to be effective immediately upon passage and provide immediate and retroactive protection for our healthcare workers.

Consequently, we respectfully suggest that S.B. 1167, S.D.1 may not be the most effective avenue to provide the immediate and critical support we feel is necessary to protect our healthcare providers in the State and to strengthen abortion access.

For these reasons, we respectfully oppose the passage of S.B. 1167, S.D.1.

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair Senator Gilbert S.C. Keith-Agaran, Vice Chair

DECISION MAKING

Wednesday, March 1, 2023

10:10 AM

Conference Room 211 & Videoconference State Capitol

415 South Beretania Street

WAM

Linda Rich in Strong Support for SB1167 Proposing an amendment to the Hawai'i state constitution to protect individual reproductive rights

As a professional social worker and substance abuse counselor for over 40 years, I have seen that many women, for many different reasons may choose the option of terminating a pregnancy. Sometimes this is for physical health reasons, and sometimes due to sexual trauma, youth, poverty, or compromised mental health. Access to effective contraception has allowed women to participate more fully in education, careers, or managing the size of their families. I strongly support a constitutional amendment to protect an individual's reproductive freedom, including the right to abortion and access to contraceptives.

Hawai'i has a long history of supporting women's rights to access to abortion care. This amendment would update language in the original constitutional amendment and strengthen its protections of individuals' rights to determine their own reproductive health choice. Hawai'i was one of the first states to legalize abortion in 1970. In 1978, the Hawai'i state constitution was amended to explicitly codify the right to privacy in article 1, section 6.

The threats to reproductive rights have seriously increased by the recent US Supreme Court *Dobbs v. Jackson Women's Health* decision striking down the *Roe v. Wade* decision. While Hawai'i has been a long-time leader in reproductive health care rights, the landscape in the rest of the country is rapidly changing.

I urge the legislature to continue to protect reproductive rights by passing SB1167.

Mahalo for the opportunity to testify.
Linda Rich

SB-1167-SD-1

Submitted on: 2/27/2023 12:49:53 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| William H. Lawson | Individual | Oppose | Written Testimony Only |

Comments:

Please don't pass this awful bill to bring (even more) judgment on our beautiful state for the disgusting practice of killing babies in the womb for convenience sake. Let the legislature from time to time reconsider the issue of child killing, and hopefully at some point they will wake up and recognize it for what it is. Don't put it in the constitution and hogtie a future state legislature that wants to do away with this evil! Killing babies is not a right for anyone. My body, my choice?? That completely ignores the OTHER BODY involved in the decision - the BABY.

SB-1167-SD-1

Submitted on: 2/27/2023 2:24:46 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| B.A. McClintock | Individual | Support | Written Testimony Only |

Comments:

Please support this important bill. Mahalo.

SB-1167-SD-1

Submitted on: 2/27/2023 4:25:31 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------------|--|---------------------------|---------------------------|
| Doris Segal Matsunaga | Testifying for Save Medicaid Hawaii | Support | Written Testimony Only |

Comments:

Save Medicaid Hawaii supports the intent of SB 1167 SD1 to assure reproductive freedom and access to services for all in Hawaii. However, it is our understanding that SB1 has become the omnibus bill for this issue, and passage of this bill would be the highest priority.

TO: SENATE COMMITTEE ON WAYS AND MEANS

RE: SB1167, SD1 PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION TO PROTECT INDIVIDUAL REPRODUCTIVE RIGHTS.

Proposes a constitutional amendment to protect an individual's reproductive freedom in their most intimate decisions, including the right to abortion and contraceptives.

FOR HEARING ON Wednesday March 1, 2023

FROM:

Kenneth R. Conklin, Ph.D.
46-255 Kahuhipa St. Apt. 1205
Kane'ohe, HI, 96744
Tel. 808.247.7942

TESTIMONY IN OPPOSITION

SUMMARY

Regarding abortion: there's a way to reconcile the pro-choice and pro-life positions. Here are two rights which can both be achieved together. (1) A woman has a right to "control her own body" by terminating her pregnancy at any time. (2) An unborn baby has a right to live; therefore mother and her helpers have a duty to use all reasonable methods to protect baby's life and health during the process of terminating the pregnancy. Killing the baby should not be allowed as the method for ending a pregnancy, unless necessary for a woman exercising self-defense against a pregnancy that is killing her. It is both factually incorrect and morally wrong to assume that killing the embryo or fetus is the method that must or should automatically be used for a woman who chooses early termination of her pregnancy.

It is already standard medical care that babies born prematurely are taken to Neonatal Intensive Care Unit where their lives are saved. If mom chooses to

end pregnancy, early birth can be induced medically by pill or injection, or surgically by Caesarean section; then use NICU. At earliest stages, use procedures from in vitro fertilization clinics to transfer zygote or embryo from a woman who chooses to end her pregnancy to a woman who is eager to become pregnant but biologically unable or personally unwilling to do it through sexual intercourse.

There are various methods currently used to kill an embryo or fetus to begin an abortion: pills which can be purchased in pharmacies and used at home or in clinics to kill it quietly and then expel it; dismemberment inside the uterus followed by using suction or forceps to remove the pieces; etc. All such methods are killing with malice aforethought, also known as murder. The person who orders a murder or pays to hire a murderer (the mother) is equally as guilty as the person who actually does the killing (doctor, nurse). A clinic or hospital which knowingly allows its facilities to be used for murder is an accomplice in the crime.

Should the State of Hawaii have a law which renders unenforceable the laws of other states which prohibit abortions, and/or demand extradition of women and/or their helpers who order or perform abortions? The U.S. Constitution Article IV, Section 1 says "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof." Therefore it would be inadvisable, and probably unconstitutional, for Hawaii to pass such a law making other states' laws unenforceable. Doing so would undoubtedly result in protracted and very expensive litigation. Of course the "Full Faith and Credit" clause works in both directions. Just as Hawaii might not be allowed to override or circumvent the abortion laws of other states, so also those other states might not be allowed to override or circumvent the Hawaii law that this legislature is considering for enactment. Just imagine the costs of litigation as numerous pairs of states wage war against each other in court; while doctors, nurses, hospitals, and pregnant women by the millions embark on class-action lawsuits for damages -- lawyers will prosper greatly at taxpayer expense!

DISCUSSION

Let's consider the various stages of pregnancy regarding when human life begins; and the timing of an abortion; and selection of a method for performing it in a way that protects baby's life:

Definitions:

"Abortion" is the termination of a pregnancy at any time before the baby is born either by vaginal delivery or by full-term surgical removal (Cesarean section).

"Pregnancy" begins when a blastocyst is implanted into the lining of the uterus, and ends when the fetus is born or aborted. Biology lesson about "pregnancy": When an egg has passed from a woman's ovary into a fallopian tube it may become fertilized by a sperm and is then called a zygote during its passage through the tube. Note that the egg was already fertilized during its passage through the fallopian tube; that fertilization, also called "conception", is what some religions say marks the beginning of human life. The zygote continues on its journey through the tube into the uterus where it repeatedly divides creating a hollow ball of cells called a blastocyst. The blastocyst then becomes implanted in the lining of a woman's uterus where it is called an embryo and the woman can now be called "pregnant." After 9 more weeks of growth and organ development it is called a fetus. Terminology provided here is based on information provided by the Mayo Clinic and the Cleveland Clinic.

Adopting those definitions allows us to set aside several much-discussed types of contraception before pregnancy as irrelevant to the issue of abortion. But see a section at the end of this testimony: "When does human life begin so that an unborn baby has rights? Some technicalities regarding contraception vs. abortion"

For decades there has been great controversy and strident language between pro-life and pro-choice partisans on the issue of abortion. The Roe v Wade Supreme Court decision 50 years ago guaranteed women a right to an abortion subject to various levels of federal and state regulation depending on which trimester a pregnancy was in. The Dobbs v. Jackson Women's Health Organization decision by the Supreme Court in 2022 overturned Roe as having been wrongly decided, and ruled that each state can decide the matter for itself, or Congress can enact a nationwide law.

What makes this controversy pro-life vs. pro-choice so strident is the nearly universal assumption that there is no middle ground or compromise possible.

But in fact it is possible for both pro-life and pro-choice positions to win. The difficulties arise because both sides are assuming that abortion means killing the baby -- embryo or fetus -- even the choice of words is controversial.

Hospitals today have NICUs -- Neonatal Intensive Care Units. Thousands of babies born prematurely are taken to these specialized places where they are given all the medical tests and treatments they need to survive. Some babies born only halfway through a normal gestation period, 4-5 months, are saved. Anxious and loving parents come visit them every day to have an extended finger grasped by their tiny baby, or get their shirt drooled on. Yes, it's very expensive. But how much is a human life worth, especially if it's your own child's?

A pro-choice woman/girl who wants to "control her own body" and get rid of an unwanted pregnancy anytime during its final several months can do so without killing her unborn baby. Get the fetus delivered out of mother's body into a NICU by having the mother choose to use methods already being used when mother's life is endangered by pregnancy. A choice to cause birth early can be achieved either medically with pills or shots, or surgically by Caesarean section. Of course this would be expensive, and painful, to the mother. But it's her choice, and many choices in life are expensive and painful. There might be occasions when such procedures cannot be used for valid medical reasons related to either the mother's or baby's health. In

that case, mother simply cannot exercise that choice. However, neither mother nor her medical helpers should be allowed to murder the baby merely because mother doesn't want the inconvenience and cost of raising the child, or doesn't want the pain or cost of surgically or medically induced early birth. I would choose to fly my own airplane to Paris to see how the repair of Notre Dame is coming along and dine at "Le Souffle" restaurant, but I have neither the skill nor money to exercise that choice.

Even at the earliest stages of pregnancy, there are ways to end it without killing the embryo. The techniques for doing that are improving constantly as we see in numerous advertisements for "in vitro" fertilization clinics. A couple want to make a baby but either the man or the woman has a problem that prevents them from making a baby in the usual way. The woman's egg and the man's sperm (or donations of one or the other from outsiders) are mixed in a petrie dish to cause fertilization, and then the organism (zygote, blastocyst, or embryo) is implanted into the appropriate place in the woman. In a different sort of procedure, the organism can be implanted into the body of a volunteer mother who carries the pregnancy to term as a surrogate for the woman who is unable to achieve or continue a pregnancy. Such techniques are widely used already to help couples who want to make a baby; and the same techniques could be used to harvest an unborn baby from a woman who chooses to end her pregnancy during its early stages and donate it to a woman or couple who eagerly want it. Of course this would be expensive, and painful, to the woman who chooses to end her pregnancy. But it's her choice, and many choices in life are expensive and painful. There might be occasions when such procedures cannot be used for valid medical reasons related to either the mother's or baby's health. In that case, mother simply cannot exercise that choice. However, neither mother nor her medical helpers should be allowed to murder the baby merely because mother doesn't want the inconvenience and cost of raising the child, or doesn't want the pain or cost of undergoing the procedures necessary to save the baby's life.

I believe it is clear that the pro-choice position is NOT primarily based on a claim that a woman has "the right to control my own body." Early in a pregnancy she might not even be feeling any symptoms of it. She might

not know she is pregnant until she misses a couple periods and sees the wrong color on a urine test strip. It's not her body that worries her. It's the loss of control over her social life and her money. Late in her pregnancy she will "show"; and after the baby is born she must stay home to take care of it. Men won't date her; she'll have to give up college and a career; she'll be spending many thousands of dollars every year for the next 20 years to raise her child: food, diapers, doctor bills, baby sitters, clothes, school supplies, college tuition.

The pregnant girl/woman is in the same position as a middle-aged adult stuck with taking care of an elderly parent with dementia who has medical problems that are costing lots of money, causing chaos and unhappiness in the family's homelife, and eroding what "should" be an inheritance. The easy solution in both situations is to get rid of the inconvenient person. Either kill them yourself or hire a killer. Both the actual killer (doctor, nurse, back-alley abortionist), and the person who recruited and paid the killer (Mom) are guilty of murder -- especially in view of the fact that there are ways to save the baby's life during the process of terminating the pregnancy. Medical science is making rapid advances in taking care of premature babies. As time goes by it will become possible to do so in a NICU at shorter and shorter periods of gestation.

Killing an elderly adult is very hard to get away with, because they are well known and people will notice if they suddenly disappear. But in some cultures it is/was (allegedly) a customarily accepted practice to send grandma on a final journey by putting her on a canoe or ice floe and sending her out to sea.

Killing an unborn baby is easy -- it's quite possible that nobody knows the woman is pregnant -- she can have a "medical" abortion privately, at home, by taking some pills that come in the mail or buying them at the drugstore; or a surgical abortion where HIPAA privacy laws keep the secret for her. And even if friends and neighbors know about it, abortion happens so often that it has become socially acceptable. Many people today complain about gun violence with multiple victims; but those numbers are very small compared with the enormous number of unborn babies murdered lawfully by

abortion every day. I hope our legislature will not become an accomplice in these mass murders.

Let's be clear. Killing an unborn baby should be illegal except in self-defense when the pregnancy is actually killing its mother and there's no way to remove the baby that is safe for both mother and baby. "Killing its mother" should be defined as "physical", not merely the easily-stretched "psychological." The "balance of harms" test regards saving a life as more important than alleviating mental distress to mother from several months of constant reminder of the trauma that produced the baby growing inside her. If a pregnancy results from rape or incest, those are not reasons for killing the innocent baby but the legislature might specify that those factors justify the charity of government payment for the procedures needed to protect baby. Legislators considering granting "personhood" status to "Mother Earth" or to various rivers, mountains, etc. should consider whether geological features are "persons" but unborn human babies are not persons and have no inherent right to exist.

When does human life begin so that an unborn baby has rights? Some technicalities regarding contraception vs. abortion

The Roman Catholic Pope Paul VI in his encyclical "Humanae Vitae" (25 July 1968) stated the church's position that life begins at the moment of conception, when an egg has been fertilized by a sperm. This would mean that human life has begun while a fertilized egg (zygote) is still in the fallopian tube passing from the ovary to the uterus, and several days before implantation into the uterus. Thus we might conclude that deliberate use of any medication which would block implantation, for the purpose of preventing a pregnancy, would be murder or attempted murder if in fact a fertilized egg (either zygote or blastocyst) was present in the uterus at that time.

"Humanae Vitae" went a step further by stating that every act of sexual intercourse must remain open to the transmission of life, meaning that

contraception by barrier methods such as condoms or diaphragms must also be prohibited. The only acceptable way to avoid pregnancy while still enjoying vaginal sex would be the "rhythm method" consisting of restricting such an encounter to happen at a time in a woman's menstrual cycle when an egg is not yet present in the fallopian tube and also at a time when a sperm's lifespan will end before an egg has arrived in the tube. Accurate timing of such things is difficult if not impossible, and also limits the spontaneity which may be essential to intimacy and enjoyment; for example, accuracy might require a woman to often measure her temperature during 2-3 weeks every month to judge whether and when ovulation has occurred, and to faithfully continue doing so for decades until menopause.

Fortunately our U.S. Constitution prohibits us from enacting laws that would constitute an "establishment of religion." Thus legislators need not obey the views of the Catholic Church, although legislators might consider them for advice when consulting their consciences while deciding how to vote. Religions besides Roman Catholic or other Christian, including Judaism, Buddhism, Hinduism, Muslim should also be considered because there are a wide variety and large number of adherents who are citizens and residents of Hawaii, and legislators feel obligated to represent the views of their constituents.

The "morning after pill" poses a dilemma about whether it is contraception or abortion. This is a pill which a woman might take soon after having unprotected sex. Does the pill merely prevent implantation? Or does it cause ejection of an egg within a day or two after it has already been implanted? Ejection would actually be abortion, although it might not be detectable as an ejection because of the extremely small amount of material. Perhaps scientists can tell us definitively whether the "morning after pill" works only to prevent implantation and is impossible to cause an ejection. However, those who believe human life exists at the moment of conception will say it does not matter whether the "morning after pill" merely prevents implantation or actually causes ejection -- because either way, life already began when the sperm fertilized the egg inside the fallopian tube even before it arrived into the uterus.

SB-1167-SD-1

Submitted on: 2/27/2023 6:32:18 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Abby Simmons | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair, Vice Chair and esteemed members of the Committee,

I am testifying in **strong support** of SB1167. Protecting an individual's right to make their own informed choices with their body is a fundamental human right and should always be protected by the constitution of our State. This need has become more urgent as a wave of continental legislatures is trying to curtail these fundamental human rights. No government should ever intervene with the medical privacy between a doctor and their patients or telling individuals what medical procedures they are allowed and not allowed to receive.

Thank you for considering my testimony.

SB-1167-SD-1

Submitted on: 2/28/2023 7:46:09 AM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Sarah Simmons | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair, Vice Chair and esteemed members of the Committee,

I am testifying in strong support of SB1167. An individual's right to make their own informed choices concerning their body is a fundamental human right. These rights are under attack in many states and Hawai'i should protect them in the constitution of our State. This need for protection of this right is urgent, as a wave of mainland legislatures and even the federal courts are trying to dissolve these rights from citizens.

No government should ever be involved with the privacy of medical decisions between a doctor and their patients or telling individuals what medical procedures they are allowed and not allowed to receive under the care of a doctor.

Thank you for considering my testimony.

SB-1167-SD-1

Submitted on: 2/28/2023 8:19:06 AM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Ted Bohlen | Individual | Support | Written Testimony Only |

Comments:

SUPPORT!

Senate Committee on Ways and Means
Senator Donavan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Wednesday, March 1, 2023, 10:10 AM, Conference Room 211 & Videoconference

**RE: SB 1167 SD 1 – PROPOSING AN AMENDMENT TO THE HAWAII STATE
CONSTITUTION TO PROTECT INDIVIDUAL REPRODUCTIVE RIGHTS
Position: SUPPORT**

Dear Chair Dela Cruz, Vice-Chair Keith-Agaran, and the Members of the Committee on Ways and Means,

I testify in **SUPPORT** of SB 1167 SD 1, which seeks to amend the Hawaii State constitution to protect individual reproductive rights and freedom in health care decision-making, including abortion and contraceptives.

Reproductive rights and the freedom to choose how, when, and if to have children is a deeply personal decision that people and their loved ones must make for themselves, not any government. Bodily autonomy and control over one’s reproductive health allow people with the capacity for pregnancy and their families to survive and transcend mere survival. Access to all available forms of health care, including abortion services and contraception, is a human right that must be protected.

Hawaii has been a leader in reproductive rights and freedom, as evidenced by protecting these rights before the passage of Roe v. Wade in 1973. We must reaffirm this commitment to the health and well-being of our communities by passing this critical legislation.

Sincerely,



Chevelle M. A. Davis, MPH

SB-1167-SD-1

Submitted on: 2/28/2023 9:18:46 AM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Nikki-Ann Yee | Individual | Support | Written Testimony Only |

Comments:

I strongly support this bill.

I write in strong support of SB 1167, SD1.

Amending our constitution to create explicit reproductive rights is our strongest and most lasting way to ensure individual reproductive rights in Hawaii. This is the only way we can help assure that all individuals in Hawaii, regardless of age or marital status, have a fundamental constitutional right to safe and legal access to abortion and contraception, for generations to come.

While I write as an individual, I have served as President of Hawaii Women Lawyers and the Hawaii State Bar Association. The major part of my legal career was spent in civil rights and health law, including numerous legal proceedings to protect access to abortion here in Hawaii.

Hawaii's constitutional "Right to Privacy" (Section 6) was intended to include reproductive rights, but that clause never explicitly mentions abortion, contraception or indeed any reproductive right. Section 6 instead relied on a general right of privacy that in legislative history reveals was embodied in *Roe v. Wade* and federal caselaw. That caselaw was entirely gutted in 2022 when *Roe v. Wade* was overturned as a result of political changes in the US Supreme Court. We do not want our state constitutional right of privacy to suffer the same loss due to its lack of specificity, should any similar changes ever occur to our Hawaii Supreme Court. Accordingly, I urge you to amend our state constitution now, to expressly protect individual reproductive freedoms we hold dear.

We know abortion will always be an issue on which good people can disagree. That should not be a reason to forego a constitutional amendment. When then-governor John A. Burns, a devout catholic, was presented with new legislation to legalize abortion, rather than veto it (consistent with his religious beliefs), he made the personally difficult decision to let the bill to pass without his signature. He believed that our law should allow people to make this important decision for themselves. We hope our legislature and community will be as enlightened and courageous as he was, and support this historic amendment.

Mahalo for protecting our reproductive freedoms here in Hawaii.

Ellen Godbey Carson, Honolulu, Hawaii. February 27, 2023

LATE

SB-1167-SD-1

Submitted on: 2/28/2023 11:56:04 AM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Elizabeth Diamond | Individual | Oppose | Written Testimony Only |

Comments:

Please VETO this bill. There is no need to amend our state constitution for something already legal and in practice. Senator Lee please be grateful for life and that your mom didn't decide to abort you. Imagine this was a forced decision (like in CCP) on her because that's where we are heading with this 2030 agenda, which you might not realize.

LATE

SB-1167-SD-1

Submitted on: 2/28/2023 12:50:01 PM
Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Martin Choy | Individual | Oppose | Written Testimony Only |

Comments:

Protect children, babies, and the unborn by stopping SB 1167 !

SB-1167-SD-1

Submitted on: 2/28/2023 12:53:14 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

LATE

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Loree Jean Searcy | Individual | Oppose | Written Testimony Only |

Comments:

I am opposed to SB1167 because I do not want our State Constitution be permanently changed to allow abortions to be performed forever in the state of Hawaii. Life begins at conception and no state should allow the killing of human beings.

Mahalo

LATE

SB-1167-SD-1

Submitted on: 2/28/2023 1:21:55 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Kim Cordery | Individual | Oppose | Written Testimony Only |

Comments:

I am opposed to this Bill that hides under

the premise of choice! No Man, Woman or Government should allow death of an unborn

child. Thou Shall not Kill! The child has never been given a voice! If it weren't for our mothers choosing life , we would not be speaking about this death choice!

LATE

SB-1167-SD-1

Submitted on: 2/28/2023 1:53:16 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Karyn Hopper | Individual | Oppose | Written Testimony Only |

Comments:

"The life of the land is perpetuated in righteousness."

To protect the lives of all citizens, including the unborn, is the duty of a land who follows our state motto.

Please protect our keiki.

LATE

SB-1167-SD-1

Submitted on: 2/28/2023 2:14:48 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--|---------------------|---------------------------|---------------------------|
| Minister, Hector Hoyos (aka) SisterFace | Individual | Support | Written Testimony Only |

Comments:

LOUDLY SUPPORT!

I loudly support women's rights and all woman's rights

LATE

SB-1167-SD-1

Submitted on: 2/28/2023 2:33:13 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Cindy R Ajimine | Individual | Oppose | Written Testimony Only |

Comments:

1. Abortion is not always a good long-term decision. Wouldn't it be better to have a bill that protects both mother and unborn child by requiring counseling of short and long-term implications to assist with decision making and to provide short and long-term support for the mother and child if requested.
2. A Constitutional amendment is intended to "designate the range of civil liberties to be protected under state law." This is a one-sided proposal that only addresses abortion and contraception. It does not address and include the right to choose birth and have access to medical, emotional, and physical support for the mother and unborn child.
3. Does not take into account extenuating circumstances creating opportunity for abuse and taking advantage of the challenging situation faced by the mother.

LATE

SB-1167-SD-1

Submitted on: 2/28/2023 4:23:43 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Rochelle Tamme | Individual | Oppose | Written Testimony Only |

Comments:

Respectfully urging to OPPOSE for the protection of the unborn and post-natal infants, the health and safety of mothers and fathers, and protection of clinicians. Reasons:

- A Constitutional amendment is permanent and intended to "designate the range of civil liberties to be protected under state law." This is a one-sided proposal that only addresses abortion and contraception. It does not address and include the right to choose birth and have access to medical, emotional, and physical support for the mother and unborn child.
- Abortion is not always a good long-term decision. Wouldn't it be better to have a bill that protects both mother and unborn child by requiring counseling of short and long-term implications to assist with decision making and to provide short and long-term support for the mother and child if requested.
- Does not take into account extenuating circumstances creating opportunity for abuse and taking advantage of the challenging situation faced by the mother

LATE

SB-1167-SD-1

Submitted on: 2/28/2023 5:05:44 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Matthew Tamme | Individual | Oppose | Written Testimony Only |

Comments:

Respectfully urging to OPPOSE for the protection of the unborn and post-natal infants, the health and safety of mothers and fathers, and protection of clinicians. Reasons:

- A Constitutional amendment is permanent and intended to "designate the range of civil liberties to be protected under state law." This is a one-sided proposal that only addresses abortion and contraception. It does not address and include the right to choose birth and have access to medical, emotional, and physical support for the mother and unborn child.
- Abortion is not always a good long-term decision. Wouldn't it be better to have a bill that protects both mother and unborn child by requiring counseling of short and long-term implications to assist with decision making and to provide short and long-term support for the mother and child if requested.
- Does not take into account extenuating circumstances creating opportunity for abuse and taking advantage of the challenging situation faced by the mother.
- Father's of unborn children do not seem to have been considered in this bill

LATE

SB-1167-SD-1

Submitted on: 2/28/2023 5:34:40 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Cynthia Jones | Individual | Oppose | Written Testimony Only |

Comments:

I respectfully urge you to **OPPOSE** this constitutional amendment for the protection of the unborn and post-natal infants, the health and safety of mothers and fathers, and protection of clinicians.

Reasons:

1. A Constitutional amendment is intended to "designate the range of civil liberties to be protected under state law." This is a one-sided proposal that only addresses abortion and contraception. It does not address and include the right to choose birth and have access to medical, emotional, and physical support for the mother and unborn child.
2. Abortion is not always a good long-term decision. Wouldn't it be better to have a bill that protects both mother and unborn child by requiring counseling of short and long-term implications to assist with decision making and to provide short and long-term support for the mother and child if requested.
3. Does not take into account extenuating circumstances creating opportunity for abuse and taking advantage of the challenging situation faced by the mother.

Thank you.

LATE

SB-1167-SD-1

Submitted on: 2/28/2023 6:41:40 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Cynthia Dorflinger | Individual | Oppose | Written Testimony Only |

Comments:

Respectfully urging to OPPOSE for the protection of the unborn and post-natal infants, the health and safety of mothers and fathers, and protection of clinicians. Reasons:

- A Constitutional amendment is permanent and intended to "designate the range of civil liberties to be protected under state law." This is a one-sided proposal that only addresses abortion and contraception. It does not address and include the right to choose birth and have access to medical, emotional, and physical support for the mother and unborn child.
- Abortion is not always a good long-term decision. Wouldn't it be better to have a bill that protects both mother and unborn child by requiring counseling of short and long-term implications to assist with decision making and to provide short and long-term support for the mother and child if requested.
- Does not take into account extenuating circumstances creating opportunity for abuse and taking advantage of the challenging situation faced by the mother.

LATE

SB-1167-SD-1

Submitted on: 2/28/2023 7:50:14 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Gil Meijer | Individual | Oppose | Written Testimony Only |

Comments:

I am respectfully urging to OPPOSE for the protection of the unborn and post-natal infants, the health and safety of mothers and fathers, and protection of clinicians. Reasons:

1. A Constitutional amendment is intended to "designate the range of civil liberties to be protected under state law." This is a one-sided proposal that only addresses abortion and contraception. It does not address and include the right to choose birth and have access to medical, emotional, and physical support for the mother and unborn child.
2. Abortion is not always a good long-term decision. This fact can be seen from many 'abortion regret studies' where a lack of state offered alternatives have cause great psychological harm to mothers who may have otherwise decided to keep their unborn child. Wouldn't it be better to have a bill that protects both mother and unborn child by requiring counseling of short and long-term implications to assist with decision making and to provide short and long-term support for the mother and child if requested.
3. This bill does not take into account extenuating circumstances creating opportunity for abuse and taking advantage of the challenging situation faced by the mother.
- 4: I am speaking as a father and understand the 'protection of reproductive rights' however this bill does no such thing by any objective standard. Rather, it eliminates a large percentage of the methods that could be used to truly protect reproductive rights. Constitutional legislature needs to remain objective and should seek to provide the public with all possible options for resolving their own reproductive rights.
- 5: This bill, by it's wording, attempts to prevent any alternative resolution or amendment for improvement that may be found in the future. It prevents future legislature from being enacted upon it. As such, it cannot with good conscience be allowed to pass if the ideals and foundations of this nation are to be upheld.

LATE

SB-1167-SD-1

Submitted on: 2/28/2023 9:04:45 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Julia M. Yano | Individual | Oppose | Written Testimony Only |

Comments:

May I urge you to stand in opposition of SB1167; the rights of the unborn would be silenced.

This is unconstitutional, favoring one individual's right while dismissing the will of the defenseless.

I trust wisdom will guide, in this life threatening decision.

Sent with Deepest Respect.

LATE

SB-1167-SD-1

Submitted on: 2/28/2023 9:53:58 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Lynette Honda | Individual | Oppose | Written Testimony Only |

Comments:

Respectfully urging to OPPOSE for the protection of the unborn and post-natal infants, the health and safety of mothers and fathers, and protection of clinicians. Reasons:

- A Constitutional amendment is permanent and intended to "designate the range of civil liberties to be protected under state law." This is a one-sided proposal that only addresses abortion and contraception. It does not address and include the right to choose birth and have access to medical, emotional, and physical support for the mother and unborn child.
- Abortion is not always a good long-term decision. Wouldn't it be better to have a bill that protects both mother and unborn child by requiring counseling of short and long-term implications to assist with decision making and to provide short and long-term support for the mother and child if requested.
- Does not take into account extenuating circumstances creating opportunity for abuse and taking advantage of the challenging situation faced by the mother.

LATE

SB-1167-SD-1

Submitted on: 2/28/2023 10:23:09 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Catherine Collado | Individual | Oppose | Written Testimony Only |

Comments:

Respectfully urging to OPPOSE for the protection of the unborn and post-natal infants, the health and safety of mothers and fathers, and protection of clinicians. Reasons:

- A Constitutional amendment is permanent and intended to "designate the range of civil liberties to be protected under state law." This is a one-sided proposal that only addresses abortion and contraception. It does not address and include the right to choose birth and have access to medical, emotional, and physical support for the mother and unborn child.
- Abortion is not always a good long-term decision. Wouldn't it be better to have a bill that protects both mother and unborn child by requiring counseling of short and long-term implications to assist with decision making and to provide short and long-term support for the mother and child if requested.
- Does not take into account extenuating circumstances creating opportunity for abuse and taking advantage of the challenging situation faced by the mother.

LATE

SB-1167-SD-1

Submitted on: 3/1/2023 7:16:47 AM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Jasmine Inman | Individual | Oppose | Written Testimony Only |

Comments:

Aloha,

I am respectfully urging to oppose SB1167 for the protection of the unborn and post-natal infants, the health and safety of mothers and fathers, and protection of clinicians.

Reasons:

- A Constitutional amendment is permanent and intended to "designate the range of civil liberties to be protected under state law." This is a one-sided proposal that only addresses abortion and contraception. It does not address and include the right to choose birth and have access to medical, emotional, and physical support for the mother and unborn child.
- Abortion is not always a good long-term decision. Wouldn't it be better to have a bill that protects both mother and unborn child by requiring counseling of short and long-term implications to assist with decision making and to provide short and long-term support for the mother and child if requested?
- Does not take into account extenuating circumstances creating opportunity for abuse and taking advantage of the challenging situation faced by the mother.

Mahalo for your time and consideration.

LATE

Date: Feb. 28, 2023

To: The Honorable Senator Donovan M. Dela Cruz, Chair
The Honorable Senator Gilbert S.C. Keith-Agaran, Vice Chair
Members of the Senate Committee on Ways and Means

From: Sandra Young, Esq.

Re: Strong Opposition to SB 1167 SD1

Date of Hearing: March 1, 2023

We already have statutes that protect a woman's reproductive rights and the right to terminate her pregnancy prior to the birth of the child in the State of Hawai'i.

There are many unaddressed issues such as the following: (a) the constitutional rights of the unborn child; (b) the constitutional reproductive and parental rights of the Father; (c) what steps should be taken if a child is born alive; (d) adding statutes that gives a Mother sufficient knowledge about an abortion before an abortion is performed, risks and what her options are, including adoption; (e) the termination of a Mother's parental rights once she elects and proceeds with an abortion; and the list goes on. SB 1167 SD 1 does not address these concerns.

Simply because some states are limiting abortion (while others are taking steps to expand or maintain abortion) is insufficient grounds to amend our state constitution. I have seen too many women suffer from abortion regret, particularly those who were not fully informed about the consequences of this kind of decision.

In light of these and other concerns, I strongly oppose SB 1167 SD 1. Thank you for your kind attention and for the opportunity to share my thoughts.

Sandra Young

LATE

SB-1167-SD-1

Submitted on: 3/1/2023 9:24:49 AM

Testimony for WAM on 3/1/2023 10:10:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------------|---------------------|---------------------------|---------------------------|
| Glen Miguel-Matsumoto | Individual | Oppose | Written Testimony Only |

Comments:

I am **respectfully urging OPPOSE** this bill for the protections of the unborn and post-natal infants, the safety of mothers and fathers and for the clinicians.

A Constitutional amendment is **permanent** when it comes to "defining the range of civil liberties that are protected under state law." This bill is very lop-sided where it **only addresses the rights** to abortion and contraception. This bill does not consider / address **and** include the rights to any medical, emotional and physical support for the mother and unborn child.

Mahalo for your time.