

A JOINT LEGISLATIVE EFFORT

E-Mail to: testimony@Capitol.hawaii.gov
Regarding: Senate HTH hearing
Hearing: February 13, 2008 @ 1:25 p.m. in room 016

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Date: February 12, 2008

To: Senate Committee on Health
The Honorable David Ige, Chair
The Honorable Carol Fukunaga, Vice Chair

From: Kelly M. Rosati, JD
Executive Director, Hawaii Family Forum
Lobbyist, Roman Catholic Church in the State of Hawaii

Re: **Strong Support for SB 2928 Relating to the Right of Conscience**

Honorable Chair and members of the Senate Committee on Health, I am Kelly Rosati, representing both the Hawaii Family Forum and the Roman Catholic Church in the State of Hawaii. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in Hawaii, which under the leadership of Bishop Larry Silva, represents over 210,000 Catholics in Hawaii.

We want to thank the Committee for hearing this bill, which can provide the vehicle for an important public dialogue in our state regarding the increasing tension between rights of conscience and requirements to participate in certain medical procedures and processes that violate one's conscience.

By way of background, Hawaii is among 45 states that protect the civil rights of certain professionals who refuse to participate in abortion. That right must be preserved and expanded given the expanding nature of controversial medical technologies.

Federal law (Hyde-Weldon Conscience Protection Amendment, 2004) provides that no federal, state or local government agency or program that receives federal health and human services funds may discriminate against a healthcare provider because the provider refuses to provide, pay for, provide coverage of, or refer for abortion.

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We note section 2 of SB 2928 references physician-assisted suicide, which currently is a criminal offense under Hawaii's penal code. However, there are those who seek to legalize physician-assisted suicide and so rights of conscience protection measures offer sound public policy to cover a range of "medical procedures" from which providers' civil rights are accommodated.

SB 2928 is consistent with Hawaii's tradition of diversity, tolerance and accommodation. The rights of conscientious objectors are protected while no other 'rights' are jeopardized. Just because one conscientious objector refuses to dispense abortion pills, as an example, doesn't mean there aren't dozens more health care providers without the same conscientious objection. As such, from a practical standpoint, concerns about access are addressed.

For years, there has been an attempt to compel, by government mandate, a local religious hospital into dispensing abortifacient pills in violation of their religious and ethical guidelines and directives. Thankfully, to date, this Legislature has not seen fit to pass that bill into law, but the effort continues up to the present session. We simply must reach an accommodation in this area and face the reality that a sizable minority of Hawaii's healthcare providers has conscientious objections to being forced to participate in medical practices that destroy human life.

We believe that conscientious objectors must treat all patients with dignity and respect and we don't believe there is evidence in Hawaii of anyone acting to the contrary.

In sum, SB 2928 provides an important tool for discussion of a growing issue that will not fade anytime soon. Please show tolerance for the diversity of views among Hawaii's healthcare providers and allow the discussion to continue by moving this vehicle forward.

Mahalo for your kind consideration.