

JAN 26 2011

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# A BILL FOR AN ACT

RELATING TO HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Hawaii Medical  
2 Center, formerly known as "St. Francis hospital", and the  
3 doctors practicing and operating there are bound by the present  
4 owners, namely the Franciscan Sisters, not to engage in or  
5 participate in any abortion services whatsoever, at the risk of  
6 shutting down the hospital altogether.

7           Moreover, because Hawaii Medical Center serves many  
8 indigent persons who may not otherwise be served elsewhere, the  
9 risk of shutting down such services creates a great risk to  
10 those indigent persons.

11           Furthermore, an "opt out" clause currently exists under  
12 section 453-16(e), Hawaii Revised Statutes, for those who cannot  
13 or choose not to participate in any abortion service. The  
14 legislature finds that this "opt out" clause should be expanded  
15 to include other means of abortion, such as abortions performed  
16 by means of chemicals or drugs.



1           The purpose of this Act is to amend the definition of  
2 abortion within the "opt out" clause to include the use of  
3 chemicals or drugs to terminate a pregnancy.

4           SECTION 2. Section 453-16, Hawaii Revised Statutes, is  
5 amended by amending subsection (b) to read as follows:

6           "(b) Abortion shall mean an operation to intentionally  
7 terminate the pregnancy of a nonviable fetus[-] and shall  
8 include the intentional or unintentional use of chemicals or  
9 drugs to terminate the pregnancy of a nonviable fetus. The  
10 termination of a pregnancy of a viable fetus is not included in  
11 this section."

12           SECTION 3. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14           SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Mike Gattard*  
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**Report Title:**

Health; Abortion; Opt Out

**Description:**

Amends the definition of abortion within the opt out provisions of section 453-16 to include the use of chemicals or drugs to terminate the pregnancy of a nonviable fetus intentionally or unintentionally.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

