
A BILL FOR AN ACT

RELATING TO ABORTION.

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 doctors
3 practicing there are contractually bound by the owners of the
4 hospital, the Franciscan Sisters, not to provide abortion
5 services, at the risk of closing the hospital. The legislature
6 finds that Hawaii Medical Center serves many indigent persons
7 who otherwise may not have access to medical care, so the
8 prospect of closing Hawaii Medical Center would place in
9 jeopardy the access of the poor to medical care.

10 Section 453-16, Hawaii Revised Statutes, permits health
11 care providers to "opt out" of performing abortions without fear
12 of legal liability. However, this section also has a narrow
13 definition of abortion that includes only an operation, and does
14 not include newer means of performing abortions, such as
15 chemical or pharmaceutical procedures. As a result, health care
16 providers may face liability for refusing to perform an abortion
17 using these newer methods.



1 The purpose of this Act is to amend the definition of
2 abortion to include chemical and pharmaceutical procedures to
3 ensure that health care providers who refuse to perform
4 abortions are protected from liability.

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

7 "(b) Abortion shall mean [~~an~~]:

8 (1) An operation to intentionally terminate the pregnancy
9 of a nonviable fetus[-]; or

10 (2) The use of any chemical, drug, or medication that
11 terminates the pregnancy of a nonviable fetus,
12 regardless of intent.

13 The termination of a pregnancy of a viable fetus is not
14 included in this section."

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

Calvin K. King
(By Request)

JAN 24 2011



Report Title:

Abortion

Description:

Amends the definition of abortion to include chemical or pharmaceutical means of performing abortions.

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