
A BILL FOR AN ACT

RELATING TO PROHIBITING CHEMICAL ABORTIONS.

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

1 SECTION 1. The Legislature finds that chemical abortions
2 can be a risk to the mother and are accessible without medical
3 supervision, because chemical abortions have a complication rate
4 four times that of surgical abortion. As many as one out of five
5 women who use chemical abortifacients will suffer a
6 complication. And three to seven out of every hundred women who
7 choose chemical abortion early in pregnancy will need follow-up
8 care to finish the abortion, with as many as 7-10% needing
9 follow-up care for chemical abortions in the first trimester
10 after 63 days of pregnancy and up to 39% requiring surgery if
11 accidentally taken in second trimester.

12 This bill would remove the risk by banning the use of
13 chemical abortifacients in the State.

14 SECTION 2. Chapter 453, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:



1 "§453- Chemical abortion drugs prohibited; exceptions;
2 penalty. (a) Notwithstanding any other provision of law, no
3 person shall manufacture, distribute, prescribe, dispense, sell,
4 transfer or use any chemical abortion drug in the state for the
5 purpose of procuring or performing an abortion.

6 (b) The prohibition in subsection (a) shall not apply to:

7 (1) The sale, use, prescription or administration of any
8 contraceptive agent administered before conception or
9 before pregnancy can be confirmed through conventional
10 medical testing;

11 (2) Treatment of a natural miscarriage according to
12 currently accepted medical guidelines;

13 (3) Treatment necessary to protect the woman from an
14 imminent peril that substantially endangers her life,
15 according to appropriate medical judgment. "Imminent
16 peril" as used in this paragraph refers exclusively to
17 a physical, and not mental, condition. No medical
18 treatment may form the basis for an exception under
19 this paragraph if it is based on a claim or diagnosis
20 that the pregnant woman will engage in conduct which
21 she intends to result in her death or other self-harm.



1 (c) Except as otherwise provided in this section, any
2 physician or other person who violates subsection (a) of this
3 section is guilty of a misdemeanor punishable by imprisonment
4 for not more than six (6) months, a fine not to exceed nine
5 thousand dollars (\$9,000.00), or both.

6 (d) A woman upon whom an abortion is performed or attempted
7 in which a chemical abortion drug is used shall not be
8 criminally prosecuted pursuant to subsection (c) of this
9 section.

10 (4) Definitions as used in the section, unless the context
11 otherwise requires:

12 "Pregnant" or "pregnancy" means that condition of a woman
13 who has a human embryo or fetus within her as the result of
14 conception;

15 "Chemical abortion drug" means RU-486, mifepristone,
16 misoprostol, mifeprex, mifegyne or any substantially similar
17 generic or non-generic drug or chemical dispensed for purposes of
18 causing an abortion;"

19 SECTION 3. Section 457-8.7, Hawaii Revised Statutes, is
20 amended to read as follows:



1 ["§457-8.7] **Advanced practice registered nurses;**
2 **abortions by [~~medication or~~] aspiration; penalties; refusal to**
3 **perform.** (a) Notwithstanding section 453-16 or any other law to
4 the contrary, an advanced practice registered nurse may provide
5 [~~medication or~~] aspiration abortion care in the first trimester
6 of pregnancy, so long as the advanced practice registered nurse:
7 (1) Has prescriptive authority;
8 (2) Practices within the advanced practice registered
9 nurse's practice specialty;
10 (3) Has a valid, unencumbered license obtained in
11 accordance with this chapter; and
12 (4) The aspiration abortion is performed in a hospital
13 licensed by the department of health or operated by
14 the federal government or an agency thereof, or in a
15 clinic or advance practice registered nurse's office.
16 (b) Abortion shall mean an intentional termination of the
17 pregnancy of a nonviable fetus. The termination of a pregnancy
18 of a viable fetus is not included in this section.
19 (c) The State shall not deny or interfere with a female's
20 right to choose or obtain an abortion of a nonviable fetus or an



1 abortion that is necessary to protect the life or health of the
2 female.

3 (d) Any person who knowingly violates subsection (a) shall
4 be fined no more than \$1,000 or imprisoned no more than five
5 years, or both.

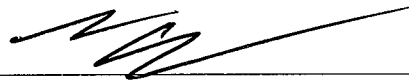
6 (e) Nothing in this section shall require any hospital or
7 any person to participate in an abortion, nor shall any hospital
8 or any person be liable for a refusal."

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval.

12

INTRODUCED BY: _____



JAN 24 2023



H.B. NO. 1275

Report Title:

Prohibiting chemical abortions.

Description:

Relating to abortions; prohibiting chemical abortion drugs for abortions as specified; providing exceptions; providing a criminal penalty for violating the prohibition on use of chemical abortion drugs for abortions; providing definitions; specifying exceptions; making conforming amendments.

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