

JAN 18 2023

A BILL FOR AN ACT

RELATING TO HEALTH CARE.

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

1 SECTION 1. Section 453-16, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§453-16 Intentional termination of pregnancy; penalties;
4 refusal to perform[-]; out-of-state civil and criminal actions
5 prohibited. (a) No abortion shall be performed in this State
6 unless [-

7 (1) ~~The~~ the abortion is performed by a licensed physician
8 or surgeon, ~~[or by a]~~ licensed osteopathic physician
9 and surgeon[-; and

10 (2) ~~The abortion is performed in a hospital licensed by~~
11 ~~the department of health or operated by the federal~~
12 ~~government or an agency thereof, or in a clinic or~~
13 ~~physician's or osteopathic physician's office.],~~
14 licensed physician assistant, or licensed advanced
15 practice registered nurse in compliance with section
16 457-8.7.



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1 (b) Abortion shall mean an operation to intentionally
2 terminate the pregnancy of a nonviable fetus. The termination
3 of a pregnancy of a viable fetus is not included in this
4 section.

5 (c) The State shall not deny or interfere with a female's
6 right to choose or obtain an abortion of a nonviable fetus or an
7 abortion that is necessary to protect the life or health of the
8 female.

9 (d) Any person who knowingly violates subsection (a) shall
10 be fined not more than \$1,000 or imprisoned not more than five
11 years, or both.

12 (e) Nothing in this section shall require any hospital or
13 any person to participate in an abortion nor shall any hospital
14 or any person be liable for a refusal.

15 (f) A law of another state that authorizes a person to
16 bring a civil action against a person who:

- 17 (1) Terminates or seeks to terminate a pregnancy;
18 (2) Performs or induces the termination of a pregnancy;
19 (3) Knowingly engages in conduct that aids or abets the
20 performance or inducement of the termination of a
21 pregnancy; or



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1 (4) Attempts or intends to engage in the conduct described
2 in paragraphs (1) through (3),
3 is declared to be contrary to the public policy of this State,
4 shall not be enforceable in any court of the State, and shall
5 not afford any basis for the granting of legal or equitable
6 relief by any court of the State.

7 (g) The State shall not:

8 (1) Apply any law described in subsection (f) to any case
9 or controversy heard in any court;

10 (2) Enforce or satisfy a civil judgment received through
11 an adjudication under a law described in subsection
12 (f);

13 (3) Issue a summons in a case where prosecution is
14 pending, or where a grand jury investigation has
15 commenced, or is about to commence, for a criminal
16 action in another state unless the acts forming the
17 basis of the prosecution or investigation would
18 constitute a crime in this State; or

19 (4) Issue or enforce a subpoena for information or
20 testimony issued by another state or government



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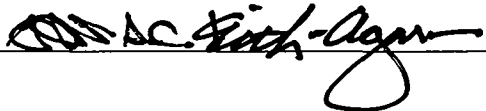
1 relating to a civil action described in subsection
2 (f)."

3 SECTION 2. If any provision of this Act, or the
4 application thereof to any person or circumstance, is held
5 invalid, the invalidity does not affect other provisions or
6 applications of the Act that can be given effect without the
7 invalid provision or application, and to this end the provisions
8 of this Act are severable.

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

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

12

INTRODUCED BY: 



S.B. NO. 1

Report Title:

Abortion; Physician Assistants; Out-of-State Civil and Criminal Actions; Prohibition

Authorizes licensed physician assistants to perform certain abortions. Declares a law of another state that authorizes a person to bring a civil action against a person who: terminates or seeks to terminate a pregnancy; performs or induces the termination of a pregnancy; knowingly engages in conduct that aids or abets the performance or inducement of the termination of a pregnancy; or attempts or intends to engage in the conduct, as contrary to the public policy of this State and shall not be enforceable in any court of the State and shall not afford any basis for the granting of legal or equitable relief by any court of the State. Prohibits the State from engaging in certain actions with regard to civil and criminal actions from another state.

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

