



**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2023**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 1, S.D. 1, RELATING TO HEALTHCARE.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Thursday, February 23, 2023      **TIME:** 9:45 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):**      **WRITTEN TESTIMONY ONLY.**

(For more information, contact Kaliko'onālanī D. Fernandes,  
Deputy Attorney General, at (808) 586-1360)

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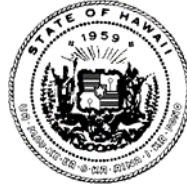
Chair Rhoads and Members of the Committee:

The Department of the Attorney General strongly supports the intent of this bill.

The purpose of the bill is to bolster the State's policy to protect an individual's reproductive autonomy, particularly in light of the United States Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, 142 S. Ct. 2228 (2022). This bill would strengthen and clarify the State's protections for reproductive health care services, and protect against potential efforts by other states to impose civil or criminal liability or professional discipline in connection with reproductive health care services that are lawful in the State. The bill is consistent with the State's longstanding protection for reproductive rights.

We respectfully ask the Committee to pass this bill. Thank you for your consideration of this important measure.

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



CATHY BETTS  
DIRECTOR  
KA LUNA HO'OKELE

JOSEPH CAMPOS II  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF HUMAN SERVICES**  
KA 'OIHANA MĀLAMA LAWELAWE KANAKA  
Office of the Director  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 22, 2023

TO: The Honorable Senator Karl Rhoads, Chair  
Senate Committee on Judiciary

FROM: Cathy Betts, Director

SUBJECT: **SB 1 SD1 – RELATING TO HEALTH CARE.**

Hearing: February 23, 2023, 9:45 a.m.  
Conference Room 016 & Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports this measure, provides comments, and defers to the Departments of the Attorney General and Commerce & Consumer Affairs.

**PURPOSE:** PART I of this measure - allows licensed physician assistants to perform abortions. Repeals the requirement that abortions, including aspiration abortions performed by advance practice registered nurses, be performed at certain locations. Clarifies that a patient has the right to choose to obtain an abortion, or to terminate a pregnancy if the termination is necessary to protect the life or health of the patient, and the State shall not deny or interfere with these rights. Defines "abortion" and "nonviable fetus."

Part II prohibits a covered entity from disclosing communication or information relating to reproductive health care services. Prohibits the issuance of a subpoena in connection with an out-of-state proceeding relating to reproductive health care services legally performed in the State. Prohibits agencies from providing information or expending resources in the furtherance of interstate investigations or proceedings relating to reproductive health care

services. Prohibits the State from penalizing, prosecuting, or otherwise taking adverse action based on pregnancy outcomes or aiding or assisting a pregnant individual with accessing reproductive health care services. Requires the Governor to deny any demand for surrender of a person charged with a crime involving reproductive health care services unless the conduct constitutes a crime in the State. Enumerates laws contrary to public policy and prohibits their application as rules of decision in the courts. Prohibits the issuance of a summons for persons to testify in another state with regard to lawful reproductive health care services.

Part III - clarifies under various licensing statutes that the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services related to the human reproductive system cannot form a basis for disciplinary action.

Part IV - prohibits the enforcement of a foreign judgment or order that seeks to ban, punish, burden, penalize, or interfere with the provision of reproductive health care services that are lawful in this State.

Part V – amends the definition of "medical care and services" in section 577A-1, Hawaii Revised Statutes.

Part VI – includes a savings clause, Ramseyer provisions, and the effective date.

DHS appreciates the Legislature's efforts to support greater access to all reproductive health services, including abortions, and authorizing physician assistants and advanced practice registered nurses helps increase such access. We support an individual's right to make health care decisions, including all reproductive health care, in a supportive and stress-free environment.

However, the current developments in the legal landscape threaten individuals' right to privacy at a time when health care decisions should be made in a stress-free environment. Aggressive legal actions also threaten healthcare providers and our staff who assist in accessing or providing services. This bill helps further clarify and provides some protections from the threat of litigation or harassment for the provision of legal health care services in our State.

Thank you for the opportunity to provide comments on this measure.



February 21, 2023

To: JDC Committee Chair Rhoads, Vice Chair and Committee members  
Date: Wednesday, February 23, 2023 at 9:45  
From: Hawai'i Democratic Party Women's Caucus  
Subject: Testimony in Support of SB1, SD1 Relating to Health Care

Thank you for the opportunity to provide testimony in support of this bill.

We celebrated that Hawai'i was the first state to decriminalize abortion; however, last year, the US Supreme Court in *Dobbs v. Jackson Women's Health*, struck down the 5-decade-old protection of women's rights to privacy and abortion.

Patients in the United States who for 50 years relied on federal Law for protection must now look to their state laws for protections won in *Roe v. Wade*. In some states, patients and healthcare workers are facing restrictive or prohibitive laws which make abortion and other reproductive health care impossible to access.

As we must look to Hawai'i law for protection, we recognize Hawai'i's laws are in serious need of updating. Hawai'i's health care workers and patients need protections from punitive laws of other states, and we have long relied on *Roe v. Wade* or attorney general opinions instead of doing the hard work of keeping Hawai'i state laws current. SB1 will provide the protection of rights we have come to expect of a state that respects the rights of women and girls.

SB1 SD1 is better with the amendments. Please pass it at your earliest opportunity.

Me ke aloha pumehana,  
Amy Monk  
Nicole Woo  
(Co-Chairs)  
Hawai'i State Democratic Women's Caucus



# HAWAI‘I CIVIL RIGHTS COMMISSION

## KOMIKINA PONO KIWILA O HAWAI‘I

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 586-8692

Thursday, February 23, 2023  
Conference Room 016 & Videoconference

To: The Honorable Karl Rhoads, Chair  
The Honorable Mike Gabbard, Vice Chair  
Members of the Senate Committee on Judiciary

From: Liann Ebesugawa, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 1, S.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

S.B. No. 1, in its original form has three purposes: 1) to amend HRS § 453-16 to allow licensed physician assistants and licensed advanced practice registered nurses to perform abortions; 2) to declare that laws of other states are contrary to State public policy and unenforceable in Hawai‘i state courts, where those laws authorize a civil action against persons who terminate or seek to terminate a pregnancy, perform or induce the termination of a pregnancy, knowingly aid or abet the termination of a pregnancy, or attempt or intend to do so; and, 3) to prohibit State application, enforcement, or satisfaction of subpoenas, decisions, or requests of other states that arise out of such other state laws creating civil or criminal liability relating to termination of a pregnancy.

S.B. No. 1, S.D.1, was amended to insert a new Section 1 of the bill (taken from Section 1 of S.B. No. 896, S.D.1) to provide a robust purpose section for the bill, reaffirming that the policy of the State and the Hawai‘i State Constitution guarantee the fundamental rights of equality, liberty, and privacy, which include the right to make reproductive health decisions and decide whether to bear a child or obtain an abortion. In order to affirm and bolster protection of

these rights, it is the purpose of the bill to “to bolster the State's policy to protect an individual's right to privacy and bodily autonomy within the boundaries of the State, including minors, and clarify that the provision of certain services related to the human reproductive system cannot form a basis for disciplinary action against certain licensed professionals in certain circumstances,”

**HCRC supports S.B. No. 1, S.D.1, specifically the insertion of the strong purpose clause in Section 1 of the bill , and the new HRS §\_\_\_-7, on page 13 of the S.D.1, and the new §636C-\_\_\_, on page 41 of the S.D.1, that declare laws of other states that create civil actions against persons for terminating a pregnancy, performing or inducing or aiding and abetting the termination of a pregnancy are contrary to State public policy, and prohibit recognition and enforcement of other states’ laws that impose civil or criminal liability relating to termination of a pregnancy.**

HCRC support for this bill is rooted in the context of a frontal assault on constitutional and civil rights at the federal level and in many states. A U.S. Supreme Court conservative super-majority appears poised to eviscerate constitutional rights jurisprudence that we have taken for granted for a generation. In a parade of horrors, the Court has turned the clock back on abortion and reproductive rights and establishment of religion, while limiting state regulation of guns and open carry laws with expansive reading of 2nd amendment rights, giving notice that other hard-won rights are in its crosshairs. Constitutional protections that are in jeopardy include unenumerated privacy protections (right to contraception, striking down state law criminalization of same-sex relationships, and marriage equality). In this context, it is prudent for Hawai‘i to renew its state commitment to hard-won rights that we have exercised for generations. Reviewing and shoring up our state statutory protections as a “backstop” against the onslaught on fundamental rights that has been unleashed is a necessary first step.

For nearly fifty years, the U.S. Supreme Court’s decision in *Roe v. Wade* established a fundamental right for an individual to access abortion based on a constitutional right to privacy. However, in 2022, the Supreme Court overturned *Roe* in *Dobbs v. Jackson Woman’s Health Organization*, paving the way for individual states to restrict and even eliminate individuals’ right to these medical decisions for themselves and/or based on the advice of individuals’ medical advisors.

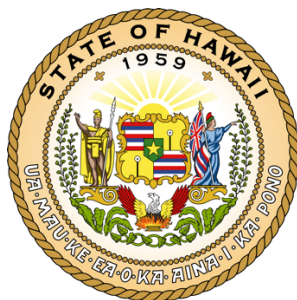
An increasing number of states have enacted or proposed restrictions on an individual's right to reproductive freedoms through civil and criminal penalties imposed on individuals who knowingly aid or abet the performance or inducement of the termination of a pregnancy. The HCRC supports S.B. No. 1's declaration that these laws are contrary to the public policy of the State, shall not be enforceable in any state court, and shall not be the basis for the granting of legal or equitable relief in any state court.

Historically, the State of Hawai'i has had a strong commitment to the protection of civil rights, found in Art. I § 5 of the State Constitution which states that "[n]o person . . . shall be denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of race, religion, sex, or ancestry." This provision grants our citizens the fundamental right to be free from race, religion, sex or ancestry discrimination, and was first adopted by the Constitutional Convention of 1950 (ratified as Article I, §4), prior to Hawai'i becoming a state. Const. Conv. of 1950, v. 1. There is no counterpart civil rights clause in the United States Constitution.

Hawai'i has a proud civil rights history. We were the first state to ratify the Equal Rights Amendment, and we have an ERA in our State Constitution Bill of Rights. Article I, §3. And, we have an express right to privacy in our State Constitution as well. Article I, §6. We were the first state to recognize women's right to choose and, to our credit, the first to address the issue of same-sex marriage seriously. Each generation has a responsibility to protect and defend these state constitutional and civil rights.

An individual's right to make reproductive health decisions is a civil right. In 2019 the Legislature recognized this right and codified its protection, amending HRS § 378-2 to expressly add reproductive health decisions as a protected basis upon which employment discrimination is prohibited. HRS § 378-2(a)(1), 378-2(a)(9) [am L 2019, c 178 §2] ("Reproductive health decisions" include the use or attempted use of any legal drug, device, or medical service intended to prevent or terminate a pregnancy, or the use or attempted use of any assisted reproductive technology. HRS § 378-1). Reproductive health decisions are deeply personal choices, and individuals in our state should not fear State complicity in criminal prosecution or civil liability under the state laws of other jurisdictions for exercising this right.

**The HCRC supports S.B. No. 1, S.D.1.**



‘O kēia ‘ōlelo hō’ike no ke  
**Komikina Kūlana Olakino o Nā Wāhine**

Testimony on behalf of the  
**Hawai‘i State Commission on the Status of Women**

**Support for S.B. 1, S.D. 1**

Dear Chair Rhoads, Vice Chair Gabbard, and Honorable Members:

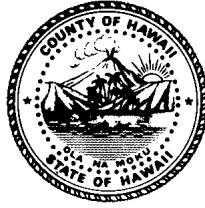
The Hawai‘i State Commission on the Status of Women **supports S.B. 1, S.D. 1**. This bill intends to (1) protect abortion care providers from obstructionist efforts and (2) strengthen abortion rights. Providing increased protections to the current pool of abortion care providers is important to maintain the status quo. The amended version of the bill is even more effective because it will strengthen our pre-Roe abortion laws.

Accordingly, the Commission asks that the Committees pass S.B. 1, S.D. 1.

Mahalo,  
Khara Jabola-Carolus, Executive Director



**Jennifer Kagiwada**  
Council Member District 2 South Hilo



Office: (808) 961-8272  
jennifer.kagiwada@hawaiicounty.gov

## HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: February 21, 2023  
TO: Senate Committee on Judiciary  
FROM: Jennifer Kagiwada, Council Member  
Council District 2  
SUBJECT: SB 1

Aloha Chair Rhoads, Vice Chair Gabbard, and Committee Members,

I am testifying in strong support of SB1 SD1 to strengthen and clarify abortion access, privacy surrounding medical procedures, and reproductive rights. This is a comprehensive bill that will address my own personal concerns and those I have heard voiced in my community regarding access and legality in a post-Roe vs. Wade world.

This bill is a crucial step towards ensuring equitable access and protection for all regarding a right that many in our State believe is a given, but definitely requires codification in light of recent Federal Supreme Court rulings. According to a Pew Research survey over 66% of adults in Hawai'i believe that abortion should be legal in all or most cases. This data is from 2014, and while there is not a more recent study for Hawai'i residents, nationally all surveys on this topic within the last year have pointed to a 60% or higher support for abortion access and legality.

While there is broad public support for reproductive rights and abortion access it is still necessary for more work to be done regarding actual and logistical access to these services, especially from our most rural parts of our State. This bill ensures that the work to make access to these services more equitable can proceed in a legal and inclusive way. Mahalo for the opportunity to testify in support of this bill.

Mahalo,

A handwritten signature in black ink, appearing to read 'Jenn Kagiwada'. The signature is fluid and cursive.

Jenn Kagiwada



## TESTIMONY IN STRONG SUPPORT OF SENATE BILL 1, S.D.1

Wednesday, February 23, 2023, at 9:45 AM  
Conference Room 016 & Videoconference

To: Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

From: The Hawai'i Friends of Civil Rights  
Co-Chairs Amy Agbayani and Pat McManaman

The Hawai'i Friends of Civil Rights works to achieve equity, justice, inclusion, uphold civil rights, and eliminate discrimination.

We **Strongly Support** the provisions of **S.B. 1, S.D.1** which expand the categories of persons allowed to perform abortions to include licensed physician assistants and provides detailed and explicit shield provisions to protect Hawaii abortion providers from the long arm of foreign jurisdictions.

Hawai'i has been and remains at the forefront of efforts to protect and expand access to reproductive health care. In 1970, three years before the U.S. Supreme Court decision in *Roe v. Wade*, Hawai'i became the first state in the nation to decriminalize and protect a person's right to abortion. Eight years later, the right to privacy was enshrined in the Hawai'i Constitution, and the Constitutional Convention Committee Report found, "[t]his privacy concept encompasses the notion that in certain highly personal and intimate matters, the individual should be afforded freedom of choice absent a compelling state interest."

The Dobbs U.S. Supreme Court decision threatened to undermine Hawai'i's long-standing protection of a person's right to abortion. This bill strengthens Hawai'i's abortion laws by assuring safe and legal access to abortion for all persons in Hawai'i, and provides greater protection for Hawai'i abortion providers.

Thank you for the opportunity to testify on SB1, SD1.

**SB-1-SD-1**

Submitted on: 2/21/2023 5:01:02 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Testifying for Stonewall Caucus of the Democratic Party of Hawaii	Support	Written Testimony Only

Comments:

Aloha Senators,

The Stonewall Caucus of the Democratic Party of Hawai‘i; Hawai‘i’s oldest and largest policy and political LGBTQIA+ focused organization fully supports SB 1.

SB1 guarantees the right to access safe and legal abortions which falls under the right to healthcare.

This right applies to all legal abortions performed in the State of Hawaii regardless of the state of origin of the individual seeking an abortion.

By refusing to provide support to out of state parties seeking to restrict the human right of bodily autonomy (through legal actions intended to intimidate, imprison or otherwise punish the individuals seeking abortion) we ensure that these fundamental rights are protected.

In addition, each State has a right to make decisions about what is legal and illegal in their own borders.

Allowing another state to dictate their laws undermines our sovereignty as a state.

Finally, many individuals seeking abortion may be in difficult circumstances. Their life may be at risk, they may have been abused or sexually assaulted. There are too many factors to list why an abortion is a necessary procedure. Further burdening these individuals by stigmatizing or causing severe mental distress as a result of the risk of persecution would not only be immoral, it would be quite cruel.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr.  
Chair and SCC Representative  
Stonewall Caucus for the DPH





To: Senate Committee on Judiciary

Hearing Date/Time: February 23, 2023 /9:45a.m.

Place: Hawaii State Capitol, Room 016

Re: Testimony in **STRONG SUPPORT of S.B. No.1 S.D.1**

Dear Chair Karl Rhoads and Vice-Chair Mike Gabbard and the Members of the Judiciary Committee:

Members of AAUW of Hawaii thank you for this opportunity to testify in strong support of **S.B. No.1 S.D .1**. which, *inter alia*, reaffirms Hawai'i's 53 year commitment to protecting women's reproductive choices to choose to obtain an abortion or to terminate a pregnancy if the termination is necessary to protect the life or health of the patient; clarifies and strengthens our constitutional right to abortion access; and protects medical providers by incorporating the necessary shield protections from S.B. 896.

Now that the U.S. Supreme Court has declared that women are second-class citizens by overturning **Roe v. Wade** and we no longer have **Roe's** federal protections, we need to strengthen our legalized abortion statute (1970) that gives access to our residents and protects those who seek abortions because they are denied access in their own states. In the face of unprecedented attacks on women's health care and reproductive rights throughout the country this bill further insures that women are not penalized with draconian abortion bans from other states that threaten prosecution and/or civil liability -- for having an abortion, for making a decision that is her constitutional right that should just be between her and her physician.

This bill will definitely protect the privacy of patients, including minors, seeking sensitive health care services, including reproductive health care, and create new safeguards to protect patients. Luckily for the neighbor islands, where there is a dire shortage of physicians, this bill will also authorize physician assistants to provide abortion care.

As importantly this bill also provides robust protections from civil and criminal penalties for medical providers. Since **Roe v. Wade** (1973) was overturned by **Dobbs v. Jackson** (2022)\*, **S.B. No.1 S.D .1**. would provide, *inter alia*, needed protection for Hawai'i's medical providers in order that a Hawai'i patient—yourself, your daughter, your sister, your wife, your partner, your granddaughter, and future generations of women patients, including minors—has the **fundamental right** and **continued ability** to make reproductive health care decision about one's own body and to decide whether to bear a child or obtain an abortion **here** in Hawai'i. It is clear that if our medical providers are not protected by limiting cooperation with other states in investigations, proceedings, or criminal warrants



involving the provision of reproductive health care services in Hawai'i, we will **definitely lose our medical providers to other states that provide them the needed protections** that are outlined in this well-thought out and comprehensive bill.

Form/Housekeeping:

- In the bold-faced titles of HRS §§453-16 and 457-8.7, remove the word “penalties” from these titles, as the penalty sections are now deleted.
- In section 457-8.7(a)(2), the word “and” should go after the semicolon at the end of that line, to separate it from (a)(3), which is the now the last item in the list.
- In Section 1 (Preamble), last paragraph, the last clause needs to be broadened to properly reflect the scope of the shield law that is now in Section III of the Bill, as it currently only describes that section as protection from disciplinary action against certain license professionals. I suggest that clause should read something like this: “and clarify that the provision of certain services related to the human reproductive system cannot form a basis for civil liability, criminal liability, disciplinary action or other legal proceedings against certain persons in the described circumstances.”

Accordingly, AAUW respectfully urges the passage of **S.B. No.1 S.D.1.**

Sincerely,  
Elizabeth Jubin Fujiwara, Esq.  
Public Policy Committee, AAUW of Hawaii  
[publicpolicy-hi@aauw.net](mailto:publicpolicy-hi@aauw.net)

\*For more information on the background and understanding of these issues, listen to the podcast on khon2.com & Facebook: Coralie Chun Matayoshi & Elizabeth Jubin Fujiwara, “**Do abortion rights now depend on where you live?**” See also Elizabeth Jubin Fujiwara, “**Insight: Post-Roe America would take women back to being second-class citizens,**” Star-Advertiser (5/8/22); **The Conversation: Abortion History in Hawai'i**, HPR (5/12/22).



*Fujiwara & Rosenbaum, LLLC*

*Alahea Corporate Tower  
1100 Alahea St., Fl. 20, Suite B  
Honolulu, Hawaii 96813*

February 23, 2023

Rm. 016, 9:45a.m.

To: Senator Karl Rhoads, Chair and Senator Mike Gabbard, Vice Chair  
Members of the Senate Committee on Commerce and Consumer Protection

From: Elizabeth Jubin Fujiwara, Senior Partner\*

Re: Testimony in **STRONG SUPPORT of S.B. No.1, S.D.1—Relating to Health Care**

I have specialized in civil rights and employment law as a plaintiff's attorney since 1986 with a specialized interest in women's and minorities' rights. Our law firm is in strong support of **S.B. No.1 S.D.1**, which definitely *strengthens our constitutional right to abortion access and provides needed protection for our medical providers*. I am providing herein my article that appeared in the Star-Advertiser's *Insight* (5/8/22) as **one basis for why our legislature needs to strengthen and modernize our abortion statute** (1970) to protect our residents as well as out-of-state residents' right to choose.

**Post-Roe America would take women back to being second-class citizens**

1969—the last year when abortion was still illegal in Hawai'i, I was a community organizer in Kalihi-Palama, collaborating with Native Hawaiians, Samoans, Filipinos. Heart wrenching decisions were being made.

The choice for a young, single woman was to have her reputation ruined for being pregnant or to have a back-alley abortion. Or if she was a married woman who had an unintentional pregnancy and was without adequate childcare and/or didn't know how she could function and/or just couldn't afford another child, she also would suffer through the trauma of a back-alley abortion.

Those who performed the abortions were at risk of losing their career and facing criminal prosecution.

It felt like a dirty secret. Some of us became sterile; some of us almost died from hemorrhaging; some of us did die.

I'm angry and I'm heartbroken with Justice Alito's Draft opinion in **Dobbs v. Jackson Women's Health Organization**, overturning *Roe v. Wade*. Not a word about how being able to obtain an abortion has allowed so many to have a career, to take adequate care of the children they already have.

So many do not know life without *Roe*. It is going to **be low-income women, black and brown women, who are going to be impacted the most**. Women with money can travel to states, such as Hawai'i and can afford to have an abortion. **So, this is a question of racial justice.**

**Post-Roe** America will **not look like pre-Roe** America. **Before** *Roe*, women were rarely prosecuted for abortion, though they were sometimes threatened with prosecution to get them to testify against abortion providers. *Roe* itself meant that fetal endangerment and fetal homicide laws didn't apply to women having abortions. Once ***Roe* is gone**, women who terminated their pregnancies are likely to be **treated as killers**.

*Dobbs* is about **Controlling Women**-- a giant step backwards for women as free people in America. Women have been second-class citizens since this country was founded in 1776. Our Founding Fathers were rich white men, who were misogynists and racists. Only in--

- 1920—women “given” the right to vote.
- 1965—contraceptives are legal.
- 1973—abortion is legal.
- 1974—women don’t need their husband’s signature to get a credit card or loan in their own name.
- 1978---protects pregnant women.
- 1993—women don’t need to notify their husband to get an abortion.
- 1993—marital rape is illegal.

Bans on abortion have never stopped abortions. Even the people with the least autonomy and most draconian circumstances in American history--enslaved people-- were known to use cotton root bark.

About 40% of women who have abortions every year are living in states that are likely to ban abortions. It means...

- hundreds of thousands of women who are facing unintended pregnancy will be affected by these bans.
- they **can’t exercise decisions about when, where and with whom they have children.**
- they will have to travel long distances, sometimes 200 up to 1,000 miles to obtain appropriate care which has severe jeopardy to their health.
- like Ireland, women who have wanted a pregnancy will also suffer, facing a need to terminate that pregnancy due to a variety of health effects and be unable to obtain appropriate care.
- every pregnancy loss is subject to suspicion and investigation and potential arrest.
- the right-wing minority are criminalizing our bodies: there will be an **increase in prosecution**, primarily of **black & brown woman** who have less access to care and are often singled out due to discrimination by authorities; going after them for criminal prosecution for essentially trying to have an abortion and whatever means is appropriate and best for them.

Now, the era of basic human rights and dignity for women has been ripped to shreds. The Court no longer considers applying the Equal Protection Clause of the 14<sup>th</sup> Amendment to be sufficient to support women’s rights, since these privacy rights weren’t in the original Constitution itself. Alito’s ruling rests on the argument that “the constitution makes no reference to abortion and no such right is implicitly protected,” taking us back to the time of the Founding Fathers when women were considered barely more than the property of their fathers and husbands. With *Dobbs* the unelected Supreme Court, shaped by minority rule, has taken away a right that the majority of Americans support.

There is no telling what other rights this fundamentalist court will take away.in order to get us back to the Founding Fathers, from birth control to gay marriage to interracial marriage to voting rights--the many rights that are not specifically enumerated in the constitution.

Yet we, not the government, get to make decisions about our own lives. The right to privacy, the right to make our own medical decisions is what this is about.

. . . . Otherwise, we will have forced birth in a country with the highest maternal mortality rate, no paid maternity leave, no universal subsidized childcare, no continued birth parent care and frequently inaccessible mental health care.



Accordingly, our law firm respectfully urges the passage of **S.B. No.1, S.D.1.**

\*For more information on the background and understanding of these issues, listen to the podcast on khon2.com & Facebook: Coralie Chun Matayoshi & Elizaeth Jubin Fujiwara, **“Do abortion rights now depend on where you live?”; The Conversation: Abortion History in Hawai’i**, HPR (5/12/22).

**SB-1-SD-1**

Submitted on: 2/21/2023 7:51:25 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Doris Segal Matsunaga	Testifying for Save Medicaid Hawaii	Support	Written Testimony Only

Comments:

Save Medicaid Hawaii strongly supports SB 1, SD 1



## SB 1, SD1, RELATING TO HEALTH CARE

FEBRUARY 23, 2023 · SENATE JUDICIARY  
COMMITTEE · CHAIR SEN. KARL RHOADS

**POSITION:** Strong support.

**BILL DESCRIPTION:** PART I - Allows licensed physician assistants to perform abortions. Repeals the requirement that abortions, including aspiration abortions performed by advance practice registered nurses, be performed at certain locations. Clarifies that a patient has the right to choose to obtain an abortion, or to terminate a pregnancy if the termination is necessary to protect the life or health of the patient, and the State shall not deny or interfere with the se rights. Defines "abortion" and "nonviable fetus". Part II - Prohibits a covered entity from disclosing communication or information relating to reproductive health care services. Prohibits the issuance of a subpoena in connection with an out-of-state proceeding relating to reproductive health care services legally performed in the State. Prohibits agencies from providing information or expending resources in the furtherance of interstate investigations or proceedings relating to reproductive health care services. Prohibits the State from penalizing, prosecuting, or otherwise taking adverse action based on pregnancy outcomes or aiding or assisting a pregnant individual with accessing reproductive health care services. Requires the Governor to deny any demand for surrender of a person charged with a crime involving reproductive health care services unless the conduct constitutes a crime in the State. Enumerates laws contrary to public policy and prohibits their application as rules of decision in the courts. Prohibits the issuance of a summons for persons to testify in another state with regard to lawful reproductive health care services. Part III - Clarifies under various licensing statutes that the provision or assistance in receipt or provision

of medical, surgical, pharmaceutical, counseling, or referral services related to the human reproductive system cannot form a basis for disciplinary action. Part IV - Prohibits the enforcement of a judgment or order...(See document for complete description)

**RATIONALE:** Imua Alliance **strongly supports** SB 1, SD1, relating to health care. Reproductive care is an essential form of healthcare. In March of 1970, Hawai'i became the first state to legalize abortion, three years before the landmark *Roe v. Wade* decision by the United States Supreme Court protected access to abortion nationwide. In so doing, the state recognized that preserving access to safe and legal reproductive care is a vital public health objective for the islands. Yet, Hawai'i's unique geography and high cost of living present barriers to obtaining reproductive care for potential patients. As of 2022, only three abortion providers exist in the islands and only Oahu and Maui host reproductive care clinics. According to Planned Parenthood, the number of abortion providers in the state has been on the decline since the 1990s.

Moreover, studies show that access to abortion care is linked to financial well-being. According to The Turnaway Study conducted by Advancing New Standards in Reproductive Health at the University of California San Francisco, people who were denied access to an abortion experienced an increase in household poverty lasting at least four years relative to those who received an abortion. Women who lacked access to reproductive care were also found to be less able to pay for basic living expenses, had lower credit scores, and had higher rates of debt and eviction than those with access to abortion care.

The U.S. Supreme Court's disastrous ruling in *Dobbs v. Jackson Women's Health Organization* overturned *Roe v. Wade* and ended the federal constitutional right to abortion care. In overturning *Roe v. Wade*, the U.S. Supreme Court erased nearly fifty years of legal precedent supporting the fundamental right to reproductive freedom, leading to a wave of abortion restrictions enacted by state legislatures across the country. The Court's decision disproportionately harms black, latino, indigenous, and other people of color, for whom access to healthcare and economic opportunities has historically been impeded by systemic racism.

**In response to the Supreme Court's catastrophic ruling in *Dobbs v. Jackson Women's Health Organization*, state policymakers must take action to uphold Hawai'i's legacy as a**

**leader in advancing reproductive care and enact policies to strengthen reproductive rights in the islands.** Accordingly, and for the sake of the sex trafficking survivors whom we have helped to obtain vital reproductive care, we support this bill's enactment of a comprehensive legal framework to reinforce and expand our state's continuum of reproductive care for those in need.

**Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · [kris@imuaalliance.org](mailto:kris@imuaalliance.org)**



To: The Honorable Karl Rhoads, Chair  
The Honorable Mike Gabbard, Vice Chair  
Senate Committee on Health and Human Services

From: Paula Arcena, External Affairs Vice President  
Mike Nguyen, Public Policy Manager

Hearing: Thursday, February 23, 2023, 9:45am

RE: **SB1 SD1 Relating to Reproductive Health Care**

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AlohaCare appreciates the opportunity to provide testimony in **support of SB1 SD1**. This measure, as amended, will provide more clarity and protections for providers and patients alike about the right to access abortions and reproductive health services in Hawai`i.

Founded in 1994 by Hawai`i's community health centers, AlohaCare is a community-rooted, non-profit health plan serving over 80,000 Medicaid and dual-eligible health plan members on all islands. Approximately half of our membership are keiki. We are Hawai`i's only health plan exclusively dedicated to serving Medicaid beneficiaries. Our mission is to serve individuals and communities in the true spirit of aloha by ensuring and advocating for access to quality health care for all. We believe that health is about supporting whole-person care.

AlohaCare is committed to improving and advocating for access to care. We fully support this measure because all people in Hawai`i deserve timely, safe, and local access to health care, including abortion care, and providers should be able to do their jobs without fear of criminal or civil penalties from other states or jurisdictions. This measure would help to protect access to care for the residents of Hawai`i.

Mahalo for this opportunity to testify in **support of SB1 SD1**.



February 23, 2023

The Honorable Karl Rhoads, Chair  
The Honorable Mike Gabbard, Vice Chair  
Senate Committee on Judiciary

**Re: SB 1 – Relating to Health Care**

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to provide testimony in support of SB 1, which allows licensed physician assistants to perform certain abortions, prohibits a covered entity from disclosing communication or information relating to reproductive health care services, prohibits the issuance of a subpoena in a connection with an out-of-state proceeding relating to reproductive health care services legally performed in the State, enumerates laws contrary to public policy and prohibits their application as rules of decision in the courts, and prohibits the issuance of a summons for persons to testify in another state with regard to lawful reproductive health care services.

HMSA supports this bill and believes in improving access to quality health care services and the importance of allowing Hawaii’s physician assistants and other health care practitioners to confidently practice within the scope of their license. We support the right to reproductive choice as codified in current state statute and appreciate the legislature’s intent to protect Hawaii’s health care providers from the inconsistency of reproductive rights’ laws across the nation.

We respectfully request the following amendments to strengthen the clarifying language of the bill:

Page 11, line 4: re: Disclosures prohibited -

*(c) Nothing in this section shall be construed to impede the lawful sharing of medical records as permitted by state or federal law or the rules of the court, except in the case of a subpoena by a court of any other state commanding the production, copying, or inspection of medical records relating to reproductive health care services.*

Page 13, line 20: re: Laws contrary to the public policy of this State –

*(1) “Receiving, ~~or~~ seeking, or paying for reproductive health care services;”*

Thank you for the opportunity to provide testimony on SB 1.

Sincerely,

Jennifer A. Diesman  
Senior Vice President  
Government Policy and Advocacy

TO: SENATE COMMITTEE ON JUDICIARY

RE: SB1, SD1 RELATING TO HEALTH CARE.

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 if 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.

FOR HEARING ON Thursday, February 23, 2023

FROM:

Kenneth R. Conklin, Ph.D.  
46-255 Kahuhipa St. Apt. 1205  
Kane'ohe, HI, 96744  
Tel. 808.247.7942

TESTIMONY IN OPPOSITION

SUMMARY

Regarding abortion: there's a way to reconcile the pro-choice and pro-life positions. Here are two rights which can both be achieved together. (1) A woman has a right to "control her own body" by terminating her pregnancy at any time. (2) An unborn baby has a right to live; therefore mother and her helpers have a duty to use all reasonable methods to protect baby's life



and health during the process of terminating the pregnancy. Killing the baby should not be allowed as the method for ending a pregnancy, unless necessary for a woman exercising self-defense against a pregnancy that is killing her. It is both factually incorrect and morally wrong to assume that killing the embryo or fetus is the method that must or should automatically be used for a woman who chooses early termination of her pregnancy.

It is already standard medical care that babies born prematurely are taken to Neonatal Intensive Care Unit where their lives are saved. If mom chooses to end pregnancy, early birth can be induced medically by pill or injection, or surgically by Caesarean section; then use NICU. At earliest stages, use procedures from in vitro fertilization clinics to transfer zygote or embryo from a woman who chooses to end her pregnancy to a woman who is eager to become pregnant but biologically unable or personally unwilling to do it through sexual intercourse.

There are various methods currently used to kill an embryo or fetus to begin an abortion: pills which can be purchased in pharmacies and used at home or in clinics to kill it quietly and then expel it; dismemberment inside the uterus followed by using suction or forceps to remove the pieces; etc. All such methods are killing with malice aforethought, also known as murder. The person who orders a murder or pays to hire a murderer (the mother) is equally as guilty as the person who actually does the killing (doctor, nurse). A clinic or hospital which knowingly allows its facilities to be used for murder is an accomplice in the crime.

Should the State of Hawaii have a law which renders unenforceable the laws of other states which prohibit abortions, and/or demand extradition of women and/or their helpers who order or perform abortions? The U.S. Constitution Article IV, Section 1 says "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof." Therefore it would be inadvisable, and probably unconstitutional, for Hawaii to pass such a law making other states' laws unenforceable. Doing so would undoubtedly result in protracted and very expensive

litigation. Of course the "Full Faith and Credit" clause works in both directions. Just as Hawaii might not be allowed to override or circumvent the abortion laws of other states, so also those other states might not be allowed to override or circumvent the Hawaii law that this legislature is considering for enactment. Just imagine the costs of litigation as numerous pairs of states wage war against each other in court; while doctors, nurses, hospitals, and pregnant women by the millions embark on class-action lawsuits for damages -- lawyers will prosper greatly at taxpayer expense!

## DISCUSSION

Let's consider the various stages of pregnancy regarding when human life begins; and the timing of an abortion; and selection of a method for performing it in a way that protects baby's life:

### Definitions:

"Abortion" is the termination of a pregnancy at any time before the baby is born either by vaginal delivery or by full-term surgical removal (Cesarean section).

"Pregnancy" begins when a blastocyst is implanted into the lining of the uterus, and ends when the fetus is born or aborted. Biology lesson about "pregnancy": When an egg has passed from a woman's ovary into a fallopian tube it may become fertilized by a sperm and is then called a zygote during its passage through the tube. Note that the egg was already fertilized during its passage through the fallopian tube; that fertilization, also called "conception", is what some religions say marks the beginning of human life. The zygote continues on its journey through the tube into the uterus where it repeatedly divides creating a hollow ball of cells called a blastocyst. The blastocyst then becomes implanted in the lining of a woman's uterus where it is called an embryo and the woman can now be called "pregnant." After 9 more weeks of growth and organ development it is called a fetus. Terminology provided here is based on information provided by the Mayo Clinic and the Cleveland Clinic.

Adopting those definitions allows us to set aside several much-discussed types of contraception before pregnancy as irrelevant to the issue of abortion. But see a section at the end of this testimony: "When does human life begin so that an unborn baby has rights? Some technicalities regarding contraception vs. abortion"

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For decades there has been great controversy and strident language between pro-life and pro-choice partisans on the issue of abortion. The Roe v Wade Supreme Court decision 50 years ago guaranteed women a right to an abortion subject to various levels of federal and state regulation depending on which trimester a pregnancy was in. The Dobbs v. Jackson Women's Health Organization decision by the Supreme Court in 2022 overturned Roe as having been wrongly decided, and ruled that each state can decide the matter for itself, or Congress can enact a nationwide law.

What makes this controversy pro-life vs. pro-choice so strident is the nearly universal assumption that there is no middle ground or compromise possible.

But in fact it is possible for both pro-life and pro-choice positions to win. The difficulties arise because both sides are assuming that abortion means killing the baby -- embryo or fetus -- even the choice of words is controversial.

Hospitals today have NICUs -- Neonatal Intensive Care Units. Thousands of babies born prematurely are taken to these specialized places where they are given all the medical tests and treatments they need to survive. Some babies born only halfway through a normal gestation period, 4-5 months, are saved. Anxious and loving parents come visit them every day to have an extended finger grasped by their tiny baby, or get their shirt drooled on. Yes, it's very expensive. But how much is a human life worth, especially if it's your own child's?

A pro-choice woman/girl who wants to "control her own body" and get rid of an unwanted pregnancy anytime during its final several months can do so

without killing her unborn baby. Get the fetus delivered out of mother's body into a NICU by having the mother choose to use methods already being used when mother's life is endangered by pregnancy. A choice to cause birth early can be achieved either medically with pills or shots, or surgically by Caesarean section. Of course this would be expensive, and painful, to the mother. But it's her choice, and many choices in life are expensive and painful. There might be occasions when such procedures cannot be used for valid medical reasons related to either the mother's or baby's health. In that case, mother simply cannot exercise that choice. However, neither mother nor her medical helpers should be allowed to murder the baby merely because mother doesn't want the inconvenience and cost of raising the child, or doesn't want the pain or cost of surgically or medically induced early birth. I would choose to fly my own airplane to Paris to see how the repair of Notre Dame is coming along and dine at "Le Souffle" restaurant, but I have neither the skill nor money to exercise that choice.

Even at the earliest stages of pregnancy, there are ways to end it without killing the embryo. The techniques for doing that are improving constantly as we see in numerous advertisements for "in vitro" fertilization clinics. A couple want to make a baby but either the man or the woman has a problem that prevents them from making a baby in the usual way. The woman's egg and the man's sperm (or donations of one or the other from outsiders) are mixed in a petrie dish to cause fertilization, and then the organism (zygote, blastocyst, or embryo) is implanted into the appropriate place in the woman. In a different sort of procedure, the organism can be implanted into the body of a volunteer mother who carries the pregnancy to term as a surrogate for the woman who is unable to achieve or continue a pregnancy. Such techniques are widely used already to help couples who want to make a baby; and the same techniques could be used to harvest an unborn baby from a woman who chooses to end her pregnancy during its early stages and donate it to a woman or couple who eagerly want it. Of course this would be expensive, and painful, to the woman who chooses to end her pregnancy. But it's her choice, and many choices in life are expensive and painful. There might be occasions when such procedures cannot be used for valid medical reasons related to either the mother's or baby's health. In that case, mother simply cannot exercise that choice. However, neither

mother nor her medical helpers should be allowed to murder the baby merely because mother doesn't want the inconvenience and cost of raising the child, or doesn't want the pain or cost of undergoing the procedures necessary to save the baby's life.

I believe it is clear that the pro-choice position is NOT primarily based on a claim that a woman has "the right to control my own body." Early in a pregnancy she might not even be feeling any symptoms of it. She might not know she is pregnant until she misses a couple periods and sees the wrong color on a urine test strip. It's not her body that worries her. It's the loss of control over her social life and her money. Late in her pregnancy she will "show"; and after the baby is born she must stay home to take care of it. Men won't date her; she'll have to give up college and a career; she'll be spending many thousands of dollars every year for the next 20 years to raise her child: food, diapers, doctor bills, baby sitters, clothes, school supplies, college tuition.

The pregnant girl/woman is in the same position as a middle-aged adult stuck with taking care of an elderly parent with dementia who has medical problems that are costing lots of money, causing chaos and unhappiness in the family's homelife, and eroding what "should" be an inheritance. The easy solution in both situations is to get rid of the inconvenient person. Either kill them yourself or hire a killer. Both the actual killer (doctor, nurse, back-alley abortionist), and the person who recruited and paid the killer (Mom) are guilty of murder -- especially in view of the fact that there are ways to save the baby's life during the process of terminating the pregnancy. Medical science is making rapid advances in taking care of premature babies. As time goes by it will become possible to do so in a NICU at shorter and shorter periods of gestation.

Killing an elderly adult is very hard to get away with, because they are well known and people will notice if they suddenly disappear. But in some cultures it is/was (allegedly) a customarily accepted practice to send grandma on a final journey by putting her on a canoe or ice floe and sending her out to sea.

Killing an unborn baby is easy -- it's quite possible that nobody knows the woman is pregnant -- she can have a "medical" abortion privately, at home, by taking some pills that come in the mail or buying them at the drugstore; or a surgical abortion where HIPAA privacy laws keep the secret for her. And even if friends and neighbors know about it, abortion happens so often that it has become socially acceptable. Many people today complain about gun violence with multiple victims; but those numbers are very small compared with the enormous number of unborn babies murdered lawfully by abortion every day. I hope our legislature will not become an accomplice in these mass murders.

Let's be clear. Killing an unborn baby should be illegal except in self-defense when the pregnancy is actually killing its mother and there's no way to remove the baby that is safe for both mother and baby. "Killing its mother" should be defined as "physical", not merely the easily-stretched "psychological." The "balance of harms" test regards saving a life as more important than alleviating mental distress to mother from several months of constant reminder of the trauma that produced the baby growing inside her. If a pregnancy results from rape or incest, those are not reasons for killing the innocent baby but the legislature might specify that those factors justify the charity of government payment for the procedures needed to protect baby. Legislators considering granting "personhood" status to "Mother Earth" or to various rivers, mountains, etc. should consider whether geological features are "persons" but unborn human babies are not persons and have no inherent right to exist.

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When does human life begin so that an unborn baby has rights? Some technicalities regarding contraception vs. abortion

The Roman Catholic Pope Paul VI in his encyclical "Humanae Vitae" (25 July 1968) stated the church's position that life begins at the moment of conception, when an egg has been fertilized by a sperm. This would mean that human life has begun while a fertilized egg (zygote) is still in the fallopian tube passing from the ovary to the uterus, and several days before

implantation into the uterus. Thus we might conclude that deliberate use of any medication which would block implantation, for the purpose of preventing a pregnancy, would be murder or attempted murder if in fact a fertilized egg (either zygote or blastocyst) was present in the uterus at that time.

"*Humanae Vitae*" went a step further by stating that every act of sexual intercourse must remain open to the transmission of life, meaning that contraception by barrier methods such as condoms or diaphragms must also be prohibited. The only acceptable way to avoid pregnancy while still enjoying vaginal sex would be the "rhythm method" consisting of restricting such an encounter to happen at a time in a woman's menstrual cycle when an egg is not yet present in the fallopian tube and also at a time when a sperm's lifespan will end before an egg has arrived in the tube. Accurate timing of such things is difficult if not impossible, and also limits the spontaneity which may be essential to intimacy and enjoyment; for example, accuracy might require a woman to often measure her temperature during 2-3 weeks every month to judge whether and when ovulation has occurred, and to faithfully continue doing so for decades until menopause.

Fortunately our U.S. Constitution prohibits us from enacting laws that would constitute an "establishment of religion." Thus legislators need not obey the views of the Catholic Church, although legislators might consider them for advice when consulting their consciences while deciding how to vote. Religions besides Roman Catholic or other Christian, including Judaism, Buddhism, Hinduism, Muslim should also be considered because there are a wide variety and large number of adherents who are citizens and residents of Hawaii, and legislators feel obligated to represent the views of their constituents.

The "morning after pill" poses a dilemma about whether it is contraception or abortion. This is a pill which a woman might take soon after having unprotected sex. Does the pill merely prevent implantation? Or does it cause ejection of an egg within a day or two after it has already been implanted? Ejection would actually be abortion, although it might not be detectable as an ejection because of the extremely small amount of

material. Perhaps scientists can tell us definitively whether the "morning after pill" works only to prevent implantation and is impossible to cause an ejection. However, those who believe human life exists at the moment of conception will say it does not matter whether the "morning after pill" merely prevents implantation or actually causes ejection -- because either way, life already began when the sperm fertilized the egg inside the fallopian tube even before it arrived into the uterus.





*American College of Obstetricians and Gynecologists  
Hawai'i, Guam & American Samoa Section*

TO: Senate Committee on Judiciary  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

DATE: Thursday, February 23, 2023 at 9:45am

FROM: Hawai'i Section, ACOG  
Reni Soon, MD, MPH, FACOG, Legislative Chair and Immediate Past Chair  
Angel Willey, MD, FACOG, Chair

**Re: SB 1\_SD1 Relating to Health Care  
Position: STRONG SUPPORT**

The Hawai'i Section of the American College of Obstetricians and Gynecologists (HI ACOG) **strongly supports SB 1** which aims protect access to abortion in Hawai'i by protecting Hawaii's healthcare providers from legal actions imposed by states with restrictive abortion laws, and strengthens our existing but outdated statutes regarding reproductive healthcare.

1. **Hawai'i has a long history of recognizing the importance of access to abortion care, and protecting this access is widely supported.** Hawai'i has a proud history of leading the country in protecting reproductive rights, being one of the first states to legalize abortion. Access to abortion has always been widely supported in Hawai'i,<sup>1</sup> and our health care organizations also recognize and support access to abortion. SB 1 would codify Governor David Ige's Executive Order 22-05, which he issued in October 2022<sup>2</sup> after a joint letter by fourteen organizations representing physicians, nurses and other allied healthcare organizations was sent urging his administration to protect healthcare professionals from out-of-state investigations seeking to impose civil or criminal liability related to the provision of abortion care that is legal in Hawai'i.
2. **Protecting access to abortion care means protecting our healthcare workforce from out of state attacks that are being threatened across the country.** While Hawai'i has been a long-time leader in reproductive health care rights, the landscape in the rest of the country is rapidly changing. Since the *Dobbs v. Jackson Women's Health* decision by the United States Supreme Court in June 2022 that overturned almost fifty years of a constitutional right to abortion and bodily autonomy, several states including Idaho, Oklahoma, and Texas<sup>3</sup> have enacted abortion restrictions that are enforced through private, civil lawsuits. In addition, lawmakers in conservative states have threatened to pass laws that would reach across state lines and seek to penalize healthcare providers in other states who provided abortion-related care to their residents.<sup>4</sup> All of these laws aim to restrict the

<sup>1</sup> <https://www.pewresearch.org/religion/religious-landscape-study/state/hawaii/views-about-abortion/>

<sup>2</sup> <https://apnews.com/article/abortion-business-hawaii-david-ige-e6921a42ff56be2d41d377e814565858>

<sup>3</sup> <https://reproductiverights.org/wirf-abortion-bans/texas-sb8-copycat-ban-in-effect/>

<sup>4</sup> <https://www.washingtonpost.com/politics/2022/03/08/missouri-abortion-ban-texas-supreme-court/>

residents of those states from not only accessing basic healthcare in their own state, but from also traveling out-of-state for abortion care.

3. **Abortion related health care is not just provision of abortion, and any healthcare provider caring for a patient who ultimately obtains an abortion can be targeted.** Each person's story is unique. Each person may take a different route on their journey to get abortion care, and the healthcare they access during that process can involve more than just their abortion provider. The urgent care physician who notifies them that they are pregnant when they were feeling ill, the radiologist who does their ultrasound, as well as the healthcare provider who performs the abortion, are all vulnerable to out-of-state threats. Especially given that the pool of abortion providers in the state is small, a threat to our healthcare providers is also a threat to abortion access for all of us in Hawai'i.
4. **Hawai'i healthcare professionals already provide care to many patients from other states.** Caring for patients from other states is nothing new as we have college student from other states, tourists, and military personnel, and we have always taken care of all patients in front of us no matter where they are from. Healthcare providers should not have to worry about litigation for providing compassionate care that is legal in Hawai'i.
5. **Seven other states have enacted similar laws protecting health care providers.**<sup>5</sup>
6. **Our current statutes around reproductive healthcare are outdated and do not reflect current evidence-based practice.** Our current statutes include specifying a location for performing an abortion which does not account for the current practice in which over half of all abortions now are done via medications which can be taken by a pregnant person anywhere, and many medication abortions are done safely via telemedicine. Our current statutes are not gender inclusive, and many of us have taken care of pregnant transgender men and pregnant nonbinary people.

#### **Requested amendments to SB 1:**

- A) We ask that the legislature consider replacing the word "patient" with "pregnant person". Example, on page 5, section 2b, where it states "Notwithstanding any law to the contrary, a patient has the right to choose to obtain an abortion, or to terminate a pregnancy if the termination is necessary to protect the life or health of the patient", we ask that patient is replaced with pregnant person. Some pregnant people, because of restrictions and difficulty accessing our healthcare system, will obtain medications on their own and therefore will not technically be patients.
- B) We are also supportive of Physician Assistants providing abortions and ask that this be added back to SB 1.

For these reasons, Hawai'i ACOG urges the legislature to be proactive and protect abortion access in Hawai'i by protecting our healthcare providers and strengthening our current statutes. **Please pass SB 1.**

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<sup>5</sup> <https://reproductiverights.org/maps/abortion-laws-by-state/>

**Testimony of the Hawaii Medical Board**

**Before the  
Senate Committee on Judiciary  
Thursday, February 23, 2023  
9:45 a.m.**

**Conference Room 016 and Via Videoconference**

**On the following measure:  
S.B. 1, S.D. 1, RELATING TO HEALTH CARE**

**WRITTEN TESTIMONY ONLY**

Chair Rhoads and Members of the Committee:

My name is Ahlani Quiogue, and I am the Executive Officer of the Hawaii Medical Board (Board). The Board appreciates the intent and offers comments on this bill.

The purposes of this bill are to: (1) in Part I: (a) allow licensed physician assistants to perform abortions; (b) repeal the requirement that abortions, including aspiration abortions performed by advance practice registered nurses, be performed at certain locations; (c) clarify that a patient has the right to choose to obtain an abortion, or to terminate a pregnancy if the termination is necessary to protect the life or health of the patient, and the State shall not deny or interfere with these rights; (d) define "abortion" and "nonviable fetus"; (2) in Part II: (a) prohibit a covered entity from disclosing communication or information relating to reproductive health care services; (b) prohibit the issuance of a subpoena in connection with an out-of-state proceeding relating to reproductive health care services legally performed in the State; (c) prohibit agencies from providing information or expending resources in the furtherance of interstate investigations or proceedings relating to reproductive health care services; (d) prohibit the State from penalizing, prosecuting, or otherwise taking adverse action based on pregnancy outcomes or aiding or assisting a pregnant individual with accessing reproductive health care services; (e) require the Governor to deny any demand for surrender of a person charged with a crime involving reproductive health care services unless the conduct constitutes a crime in the State; (f) enumerate laws contrary to public policy and prohibits their application as rules of decision in the courts; (g) prohibit the issuance of a summons for persons to testify in another state with regard

to lawful reproductive health care services; (3) in Part III: (a) clarify under various licensing statutes that the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services related to the human reproductive system cannot form a basis for disciplinary action; (4) in Part IV: (a) prohibit the enforcement of a judgment or order arising from a foreign penal civil action or other penal law with respect to reproductive health care services; and (5) in Part V: (a) amend the definition of "medical care and services" that a minor may consent to receive without any other person's consent to include surgery and any treatment to induce abortion.

The Board appreciates the bill's intent to authorize PAs to perform certain abortions to provide greater access to health care for all Hawaii residents, especially those who reside in rural areas or on the neighbor islands. While not explicit in the S.D. 1, the Board understands that it is the prior Committees intent to allow physician assistants to provide abortion care as long as they are authorized or delegated that authority by their supervising physician or physician group.

The Board respectfully requests that, physician assistants be limited to provide abortion care only in a hospital licensed by the Department of Health or the federal government, to ensure that appropriate teams are in place to assist if necessary. For the Committee's information, Hawaii Administrative Rules section 16-85-44.5, provides, among other things, that "[s]upervision shall be continuous but shall not be construed as necessarily requiring the physical presence of the supervising physician at the time and place services are rendered." Based on this definition, the Board believes that for purposes of ensuring consumer safety since the supervising physician may not be physically present, that abortion care provided by physician assistants occur in a hospital licensed by Department of Health or the federal government, or at a minimum, clinics or ambulatory surgery centers.

The Board appreciates that the S.D. 1 has incorporated language similar to S.B. 896, which provides protections to protect an individual's right to privacy and personal autonomy within State boundaries.

Thank you for the opportunity to testify on this bill.

To: Hawai'i State Senate Committee on Judiciary  
Hearing Date/Time: Thursday, Feb. 23<sup>rd</sup>, 2023 at 9:45 am  
Re: Testimony of Planned Parenthood Alliance Advocates in strong support of SB 1

Dear Chairs Rhoads and Members of the Committee,

Planned Parenthood Alliance Advocates – Hawai'i ("PPAA") strongly supports SB 1, a bill that takes critical steps toward protecting abortion providers and patients and expands the pool of available providers by allowing physician assistants to provide abortion care. Fundamentally, providers and patients should not fear being investigated, jailed, or losing their license for providing or obtaining legal health care services.

### **SB 1 Takes Critical Steps Toward Protecting Abortion Providers and Patients**

SB 1 bolsters protections for providers and patients because the bill limits cooperation with other states' investigations and proceedings about the provision of abortion; eliminates statutory gaps in the physician (§453-16) and nursing (§457-8.7) abortion code; and prohibits medical licensure boards from taking adverse action against providers who provide abortion that is legal in the state of Hawai'i.

Because the Supreme Court erased decades of precedent last summer by taking away our federal constitutional right to abortion, one in three women of reproductive age in the U.S. – and more trans and nonbinary people – no longer have access to abortion in their state. Along with the loss of access to essential health care, providers and patients alike are living in fear of being criminally prosecuted. The law is crystal clear that abortion care provided in Hawai'i remains legal, and the Department of Justice reiterated that the Constitution restricts states' authority to ban reproductive services provided outside their borders. Nonetheless, overzealous prosecutors and lawmakers in hostile states are pursuing laws that target providers and discipline outside of states' borders.

Lawmakers should also ensure Hawai'i health care providers do not have their licenses negatively impacted or face discipline locally due to the provision of reproductive health care, even if providers are subject to discipline, investigations, or criminal charges in other states. As an example, shortly after the reversal of *Roe*, Indiana Attorney General targeted abortion provider Dr. Caitlin Bernard for providing an abortion to a 10-year-old rape survivor. Although the state of Indiana found Dr. Bernard was acting in accordance with Indiana law, her story highlights the very real possibility of providers being punished or disciplined for providing legal abortion care. Providers in these states are being forced to violate their ethical duties and medical judgment out of fear of prosecution, jail time, and loss of licensure. This bill ensures that should Dr. Bernard have been prosecuted or otherwise disciplined in Indiana, she could continue to practice medicine in Hawai'i.

Additionally, with few remaining federal protections for abortion care, **Hawai'i cannot afford to have statutory gaps in state laws that put access to abortion at risk.** SB 1 includes language that clarifies that all pregnant people in the state have the right to access abortion care, including transgender and gender nonbinary people; eliminates archaic provisions that threaten criminal prosecution against providers for providing safe and basic abortion care; provides definitional consistency across state

abortion codes; reinforces minors' ability to access care; and protects access to telehealth abortion services. These clarifications go a long way in supporting our providers and patients by ensuring our statutes are as strong as possible.

All people in our state need to be confident that Hawai'i law protects their right to access abortion services, and providers should not be afraid to be jailed, lose their license, or be barred from ever practicing medicine again simply for providing basic, legal health care. Providers need to be confident that they can continue to focus on patient health and that Hawai'i will always be a safe place to do what is best for the person they are serving.

### **Physician Assistants Can Safely and Effectively Provide Abortion Care**

PPAA supports inclusion of a provision in SB 1 that allows physician assistants to provide abortion care. Abortion, including aspiration abortion, is one of the safest medical procedures in the United States, and the risk of major complications that require hospitalization is exceptionally rare. Major complications from abortion occur in less than a quarter of one percent of procedures. This is about the same frequency of complications as for colonoscopies and less frequent than complications for wisdom tooth removal and tonsillectomy. Additionally, aspiration abortion can be safely performed in an office or clinic setting; scientific literature concludes that the safety of abortion care provided in an office setting is equivalent to the safety of abortion care provided in a hospital setting. For example, in a systematic literature review of over 11,000 scientific articles on aspiration abortion care, researchers found that medical complications from aspiration abortion were so low that this procedure could safely be provided in an office setting, and that when complications did occur in office settings, they were effectively managed at the clinic.

Numerous studies have found no difference in abortion safety when performed by qualified licensed providers – such as physician assistants – rather than a physician. For example, a multi-year study conducted by the University of California San Francisco's Bixby Center for Global Reproductive Health evaluated nurse practitioners, certified nurse midwives, and physician assistants providing early in-clinic abortion care. Over the five-year study, almost 8,000 patients received care from a qualified licensed provider, including at health centers and clinics, and the study found comparable rates of safety, effectiveness, and acceptability when compared to care from a physician. Qualified licensed provider care is also welcomed by patients: in a study evaluating patient experience after accessing abortion care, patients demonstrated a high level of satisfaction overall when they received their abortion care from a nurse practitioner, a certified nurse midwife, or a physician assistant.

Medical experts support removing restrictions on qualified licensed providers. Many health care and professional organizations have confirmed that qualified licensed providers can safely and effectively provide abortion care, including the American College of Obstetricians and Gynecologists (ACOG), the American Public Health Association, the World Health Organization, the American Academy of Physician Assistants, and the National Abortion Federation, among others. Additionally, in a 2018 review, the National Academies of Sciences, Engineering, and Medicine concluded that qualified licensed providers are equally capable of providing safe and effective abortion care as physicians. Experts agree: restricting qualified providers from providing abortion care confers no medical benefit and instead harms patients by limiting access to care.

Given that many people in Hawai'i routinely receive care from qualified licensed providers, SB 1 could help maintain continuity of care with a single provider. People seeking an abortion should be able to

seek care from a provider they trust who builds on-going relationships with patients and is an established abortion care provider. Having community-based providers that patients trust is particularly important for communities who have experienced a history of racism and oppression from the health care system and report a distrust of the medical providers, such as immigrants, Pacific Islanders, including Native Hawaiians, and other communities of color. Allowing PAs to provide abortion care would help people receive highly personal care from a provider they know and trust.

All people in Hawai‘i deserve timely, safe, and local access to abortion care, and providers deserve to do their jobs without fearing they will get sent to jail or lose their career. A pregnant person’s freedom to plan their family is a near unanimously held belief among Hawaii voters – **85 percent of Hawaii voters believe it is important that women have access to all of the reproductive health care options available, including abortion.** We look forward to continuing to work with you to remove legal barriers to abortion care to ensure that all Hawaii people have full and equal access to the care they need and deserve. Thank you for this opportunity to testify in strong support of this important legislation.

Sincerely,

Jen Wilbur  
Hawai‘i State Director  
Planned Parenthood Alliance Advocates – Hawai‘i



February 23, 2023

The Honorable Karl Rhoads, Chair  
The Honorable Mike Gabbard, Vice Chair  
Senate Committee on Judiciary

**Re: SB 1 – Relating to Health Care**

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to provide testimony in support of SB 1, which allows licensed physician assistants to perform certain abortions, prohibits a covered entity from disclosing communication or information relating to reproductive health care services, prohibits the issuance of a subpoena in a connection with an out-of-state proceeding relating to reproductive health care services legally performed in the State, enumerates laws contrary to public policy and prohibits their application as rules of decision in the courts, and prohibits the issuance of a summons for persons to testify in another state with regard to lawful reproductive health care services.

HMSA supports this bill and believes in improving access to quality health care services and the importance of allowing Hawaii’s physician assistants and other health care practitioners to confidently practice within the scope of their license. We support the right to reproductive choice as codified in current state statute and appreciate the legislature’s intent to protect Hawaii’s health care providers from the inconsistency of reproductive rights’ laws across the nation.

We respectfully request the following amendments to strengthen the clarifying language of the bill:

Page 11, line 4: re: Disclosures prohibited -

*(c) Nothing in this section shall be construed to impede the lawful sharing of medical records as permitted by state or federal law or the rules of the court, except in the case of a subpoena by a court of any other state commanding the production, copying, or inspection of medical records relating to reproductive health care services.*

Page 13, line 20: re: Laws contrary to the public policy of this State –

*(1) “Receiving, ~~or~~ seeking, or paying for reproductive health care services;”*

Thank you for the opportunity to provide testimony on SB 1.

Sincerely,

Jennifer A. Diesman  
Senior Vice President  
Government Policy and Advocacy



Date: February 21, 2023

To: Committee on Judiciary  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

From: Early Childhood Action Strategy

Re: **Support for SB1 SD1, Relating to Health Care**

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Early Childhood Action Strategy (ECAS) is a statewide cross-sector partnership designed to improve the system of care for Hawai'i's youngest children and their families. ECAS partners are working to align priorities for children prenatal to age eight, streamline services, maximize resources, and improve programs to support our youngest keiki.

**ECAS supports passage of SB1 SD1.** This bill would help protect health care professionals who are providing essential reproductive health care.

This is important because:

- Hawai'i has historically been a leader in protecting access to abortion, and this bill exemplifies that standard to other states.
- This bill will make the statute consistent with current practice in Hawai'i.

ECAS also supports licensed physician assistants having the ability to perform abortions, and requests that this committee include this language back into the bill.

Thank you for the opportunity to testify.



**TO: Senate Committee on Judiciary  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair**

**Hearing Date/Time: Thursday, February 23, 2023 9:45 a.m.**

**Place: Conference Room 016 & via Videoconference State Capitol  
Re: SB1 SD1, Relating to Health Care**

Dear Chair Rhoads, Vice Chair Gabbard, & Committee Members,

Thank you for the opportunity to provide testimony on SB1 SD1, which authorizes licensed physician assistants (PAs) to perform certain abortions and protects an individual's right to privacy and bodily autonomy within the boundaries of the State, including minors, and clarify that the provision of certain services related to the human reproductive system cannot form a basis for disciplinary action against certain licensed professionals in certain circumstances.

**Hawai'i Academy of Physician Assistants (HAPA) STRONGLY SUPPORTS SB1 SD1, but respectfully requests an amendment to include previous language from SD1 SECTION 1, which explicitly includes licensed physician assistants as qualified medical providers who can perform certain abortions.**

HAPA is the Hawai'i state chapter of The American Academy of Physician Assistants (AAPA).

HAPA supports SB1 SD1 because it authorizes licensed PAs to perform certain abortions, which will ensure greater access to health care for all Hawai'i residents, especially those who reside in rural areas, or on the neighbor islands.

PAs are state-licensed, nationally certified medical providers, who receive rigorous medical training modeled on medical school curriculum. PA training programs typically require thousands of hours of prior clinical care experience before matriculation is even considered. PAs are highly skilled clinicians who diagnose illness, develop and manage treatment plans, prescribe medications, and perform medical interventions and procedures, as delegated by their collaborating physician or physician group. PAs are found in every clinical setting and in every medical specialty. PAs are authorized by the Affordable Care Act, along with physicians and APRNs, to serve as primary care provider (PCP) for their patients.

As with other medical interventions and procedures, **it is within PA scope of practice to provide abortion care, and PAs may perform aspiration abortions if delegated by their collaborating physician, or group of physicians.**

Numerous studies have found no difference in abortion safety when performed by qualified licensed providers such as PAs, rather than a physician. A multiyear study conducted by the University of California San Francisco's Bixby Center for Global Reproductive Health evaluated nurse practitioners, certified nurse midwives, and PAs providing early clinic-based abortion care. Over the five-year study, almost 8,000 patients received care from a qualified licensed provider, such as a PA, including at health centers and clinics. The study found



comparable rates of safety, effectiveness, and acceptability when compared to care from a physician. In another study evaluating patient experience after accessing abortion care, patients demonstrated a high level of satisfaction overall when they received their abortion care from a nurse practitioner, a certified nurse midwife, or a PA. There is no scientific evidence that PAs experience more complications when performing first-trimester aspiration abortions than their physician counterparts.

Many health care and professional organizations have confirmed that qualified licensed medical providers, such as PAs, can safely and effectively provide abortion care, including the American College of Obstetricians and Gynecologists (ACOG), the American Public Health Association, the World Health Organization, the American Academy of Physician Assistants, and the National Abortion Federation, among others. Additionally, in a 2018 review, the National Academies of Sciences, Engineering, and Medicine concluded that licensed medical providers, including PAs, are equally capable of providing safe and effective abortion care as physicians. It's evident that restricting PAs from providing abortion care confers no medical benefit and instead harms patients by limiting access to care.

In summary, **Hawai`i Academy of Physician Assistants (HAPA) STRONGLY SUPPORTS SB1 SD1, but respectfully requests an amendment to include previous language from SD1 SECTION 1, which explicitly includes licensed physician assistants as qualified medical providers who can perform certain abortions.**

Thank you for this opportunity to testify in support of this important legislation.

Sincerely,

Hawai`i Academy of Physician Assistants



February 22, 2023

Senate Committee on Judiciary  
February 24, 2023 | 9:45 am | Room 016

RE: Testimony in **Support** of SB1

Aloha e Chair Rhoads and members of the Senate Committee on Judiciary:

We write today in strong support of SB1 and the State Senate's intention to protect the right of Hawai'i's residents to access full reproductive healthcare. We know that when individuals who can get pregnant have access to care, it yields healthier outcomes for our entire community.

The U.S. Supreme Court's decision in *Dobbs* put these issues back in the hands of State legislatures, so there is no better time than now for the Hawai'i State Legislature to ensure and protect these rights. SB1 takes critical steps to protect our healthcare providers from overreaching jurisdictions and ensures ongoing access for Hawai'i residents to necessary healthcare.

Hawai'i's residents across the political spectrum have long been strong supporters of recognizing the rights of all individuals to receive safe, comprehensive reproductive healthcare, and we are encouraged to see the legislature's appreciation for the complexity of these issues and working to protect the rights of Hawai'i's people. Mahalo nui for the opportunity to provide testimony in support of SB1.



## Hawaii Medical Association

1360 South Beretania Street, Suite 200 • Honolulu, Hawaii 96814  
Phone: 808.536.7702 • Fax: 808.528.2376 • hawaiimedicalassociation.org

### SENATE COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Date: February 23, 2023

From: Hawaii Medical Association

Beth England MD, Co-Chair, HMA Public Policy Committee

**Re: SB1 SD1 Relating to Healthcare** - Abortion; Physician Assistants; Consent by Minors; Reproductive Health Care Services; Disclosures; Subpoenas; Agencies; Licensing Authorities; Disciplinary Action; Investigations; Proceedings

**Position: Support**

This measure will (1) Allows licensed physician assistants to perform abortions; (2) Prohibits the State from penalizing, prosecuting, or otherwise taking adverse action based on pregnancy outcomes or aiding or assisting a pregnant individual with accessing reproductive health care services; (3) Clarifies under various licensing statutes that the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services related to the human reproductive system cannot form a basis for disciplinary action; (4) Prohibits the enforcement of a judgment or order arising from a foreign penal civil action or other penal law with respect to reproductive health care services; (5) Amends the definition of "medical care and services" that a minor may consent to receive without any other person's consent to include surgery and any treatment to induce abortion.

HMA appreciates the recent amendments to SB 1, with the insertion of language from SB 896 SD1 relating to the provision of reproductive healthcare services. HMA strongly supports this measure that reiterates state policy, protecting physicians who meet their ethical duties to patient's health and well-being while following clinical guidelines and complying with state regulations.

Thank you for allowing the Hawaii Medical Association to provide comments on this measure.

References and Quick Links:

Preserving Access to Reproductive Health Services. [American Medical Association 2022.](#)

#### 2023 Hawaii Medical Association Officers

Angela M. Pratt, MD, President • Elizabeth Ann Ignacio, MD, President Elect • Michael Champion, MD, Immediate Past President  
Nadine Tenn-Salle, MD, Treasurer • Thomas Kosasa, MD, Secretary • Marc Alexander, Executive Director

#### 2023 Hawaii Medical Association Public Policy Coordination Team

Elizabeth Ann Ignacio, MD, Chair • Beth England, MD, Co-Chair  
Linda Rosehill, JD, Government Relations • Marc Alexander, Executive Director

Brubaker L, Bibbins-Domingo K. Health Care Access and Reproductive Rights. JAMA. 2022;328(17):1707–1709. doi:[10.1001/jama.2022.19172](https://doi.org/10.1001/jama.2022.19172)

Crear-Perry J, Hassan A, Daniel S. Advancing Birth Equity in a Post-Dobbs US. [JAMA. 2022;328\(17\):1689–1690. doi:10.1001/jama.2022.19468](https://doi.org/10.1001/jama.2022.19468)

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Linda Rosehill, JD, Government Relations • Marc Alexander, Executive Director



Submitted Online: February 22, 2023

HEARING: Tuesday, February 23, 2023

TO: Senate Committee on Judiciary  
Sen. Karl Rhoads, Chair  
Sen. Mike Gabbard, Vice Chair

FROM: Eva Andrade, President

RE: Opposition to SB1 SD1 Relating to Health Care

Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii. Our organization strongly opposes the amendment because it harms women who may not have access to a medical doctor to perform an abortion.

The intent to make abortions more accessible by using health practitioners other than medical doctors creates undue health risks for women, particularly those in underserved rural communities in Hawai'i.

Regulations on access to abortions are essential to protect the health and life of women who do choose to have an abortion. This amendment strips away the essential protections for women allowing health practitioners who do not have the same extensive training as medical doctors to perform abortions will undermine the safety of women in our state.

This bill may benefit traffickers, putting women at risk. Because Hawaii would refuse to engage with other states' abortion laws, SB 1 SD1 would prevent Hawaii from helping to identify and bring to justice traffickers who may force girls to undergo abortions. A young girl who is a victim of trafficking or sexual abuse would have no recourse against her abuser who takes her in for an abortion, or against the abortionist if she is harmed in the process.

Finally, it is uncertain what types of complications result from abortions, including death, because no data is available. The U.S. Centers for Disease Control and Prevention (CDC) notes that "states and areas voluntarily report data to CDC for inclusion in its annual Abortion Surveillance Report. CDC's Division of Reproductive Health prepares surveillance reports as data become available, but there is no national requirement for data submission or reporting."<sup>i</sup>

Mahalo for the opportunity to submit testimony in opposition.

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<sup>i</sup> [https://www.cdc.gov/reproductivehealth/data\\_stats/abortion.htm](https://www.cdc.gov/reproductivehealth/data_stats/abortion.htm) [accessed 01/31/23]



Testimony of  
Jonathan Ching  
Government Relations Director

Before:  
Senate Committee on Judiciary  
The Honorable Karl Rhoads, Chair  
The Honorable Mike Gabbard, Vice Chair

February 23, 2023  
9:45 a.m.  
Conference Room 016 & Via Videoconference

**Re: SB1, SD1, Relating to Health Care**

Chair Rhoads, Vice Chair Gabbard, and committee members, thank you for this opportunity to provide testimony on SB1, SD1, which includes protections for Hawai‘i patients, physicians and other clinicians from out-of-state proceedings regarding reproductive health care services legally performed in the State.

**Kaiser Permanente Hawai‘i SUPPORTS SB1, SD1 and requests AMENDMENTS.**

Kaiser Permanente is one of the nation’s largest not-for-profit health plans, serving 12.6 million members nationwide, including more than 269,000 members of Kaiser Permanente Hawai‘i. Across the State, over 4,200 dedicated employees and more than 650 Hawai‘i Permanente Medical Group physicians and advance practice providers work in our integrated health system to care for our members and serve our communities. Kaiser Permanente Hawai‘i has more than 20 medical facilities, including our award-winning Moanalua Medical Center. We continue to provide high-quality coordinated care for our members and deliver on our commitment to improve the health of our members and the 1.4 million people living in the communities we serve in Hawai‘i.

Given Hawai‘i’s tourism industry, our physicians and clinicians regularly deliver care to individuals who are not full-time Hawai‘i residents. Thus, it is concerning when mainland states make legislative decisions or take enforcement actions that could detrimentally impact the legal health care services we provide to our patients in Hawai‘i.

We support the Legislature’s intent to protect Hawai‘i patients and providers. It is imperative to appropriately shield patients who lawfully receive health care services in the State of Hawai‘i, regardless of the patients’ residence status. These protections should extend to the licensed physicians and clinicians who serve such patients.

At a time when Hawai'i's physician shortage continues to intensify, such protections help mitigate health care provider turnover. Most importantly, shielding our health care workforce from unwarranted external threats protects the availability of legal health care services for patients in Hawai'i.

While Kaiser Permanente Hawai'i supports passage of SB1, SD1, we respectfully seek the following technical amendments to clarify the intent of the measure.

### Part I

Kaiser Permanente Hawai'i is concerned that the bifurcation of the right to abortion (defined as "intentional termination of the pregnancy of a nonviable fetus") and the right to "terminate a pregnancy if the termination is necessary to protect the life or health of the patient" creates ambiguity and may have unintended consequences. We understand the intent of the bifurcation is to confirm the right to terminate a viable fetus if necessary to protect the life or health of the patient. To clarify that intent, we recommend the following changes in Section 2:

Page 5, Lines 1-7:

(b) Notwithstanding any law to the contrary, a patient has the right to choose to obtain an abortion **of a nonviable fetus,** or to ~~terminate a pregnancy if the termination~~ **obtain an abortion at any stage of pregnancy if it** is necessary to protect the life or health of the patient. The State shall not deny or interfere with ~~a female's right to choose or obtain an abortion of a nonviable fetus or an abortion that is necessary to protect the life or health of the female.~~

Page 5, Lines 15-20:

(d) For purposes of this section:

"Abortion" means an intentional termination of the pregnancy of a nonviable fetus ~~or an intentional termination of~~

**a pregnancy at any stage of pregnancy when necessary to protect the life or health of the patient.**

## Part II

Kaiser Permanente Hawai‘i is concerned that the use of the term “communication” in Part II, Section 4, § -2, creates a broader prohibition than intended. Health systems like Kaiser Permanente “communicate” to other systems in a regional Health Information Exchange (HIE) and routinely communicate for treatment, payment, or health care operations as defined under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). We understand the intent of the bill is to prohibit covered entities from inappropriately disclosing reproductive health care information received directly from patients or their legal representatives, but not to prohibit necessary disclosures among or between covered entities. To that end, we recommend the following changes in Section 4:

Strike Page 8, Lines 14-20 and Page 9, Lines 1-18 as follows:

(a) Except as provided in rules 504, 504.1, and 505.5 of the Hawaii rules of evidence and subsection (b), in any civil action or any proceeding preliminary thereto or in any probate, legislative, or administrative proceeding, no covered entity, as defined in title 45 Code of Federal Regulations section 160.103, shall disclose:

~~—— (1) Any communication made to the covered entity, or any information obtained by the covered entity from a patient or the conservator, guardian, or other authorized legal representative of a patient relating to reproductive health care services that are permitted under the laws of the State; or~~

~~—— (2) Any information obtained by personal examination of a patient relating to reproductive health care services that are permitted under the laws of the State,~~

~~unless the patient or that patient's conservator, guardian, or other authorized legal representative explicitly consents to the disclosure in writing in the form of a release of protected health information compliant with the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended. A covered entity shall inform the patient or the patient's conservator, guardian, or other authorized legal representative of the patient's right to withhold the written consent.~~

Replace with the following language:

(a) . . . (1) Any information, including but not limited to protected health information as defined in 45 Code of Federal Regulations 160.103, disclosed by or received directly from a patient or the conservator, guardian, or other authorized legal representative of a patient to the covered entity relating to reproductive health care services that are permitted under the laws of this State unless the patient or that patient's conservator, guardian, or other authorized legal representative explicitly consents to the disclosure in writing in the form of a release of protected health information compliant under the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended; or

(2) Any information obtained by personal examination of a patient relating to reproductive health care services that are permitted under the laws of this State, unless the patient or that patient's conservator, guardian, or other authorized legal representative explicitly consents to the disclosure in

writing in the form of a release of protected health information compliant under the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended. A covered entity shall inform the patient or the patient's conservator, guardian, or other authorized legal representative of the patient's right to withhold the written consent.

Mahalo for the opportunity to testify on this important measure.



February 22, 2023

Senator Karl Rhoads, Chair  
Senate Committee on Judiciary

**Re: S.B. 1, S.D. 1, Relating to Health Care**

**Hearing: Thursday, February 23, 2023, 9:45 AM, Room 016 & Via  
Videoconference**

Dear Chair Rhoads:

Hawaii Women Lawyers is a lawyer's trade organization that aims to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

Thank you for the opportunity to submit this testimony **in strong support of S.B. 1, S.D. 1**, Relating to Healthcare, which proposes to update Hawaii's abortion statutes, provide additional protection for medical providers who perform abortions, and strengthen and protect inclusive access to abortion and sexual and reproductive health care for all persons, together with requests for certain technical amendments.

Hawaii Women Lawyers supports the amendments made in the S.D. 1 to integrate provisions of S.B. 890 (Relating to Healthcare) and S.B. 896 (Relating to Reproductive Health Care). We further appreciate that S.B. 1, S.D. 1 contemplates additional revisions to Hawaii Revised Statutes ("HRS") Section 577A-1 to provide that "Medical care and services", as that term is used therein, will no longer exclude surgery or other treatment to induce abortion. Hawaii Women Lawyers concurs with the stated intent of S.B.1, S.D. 1 and asserts that it is critically important to bolster and protect all individuals' right to privacy and bodily autonomy within the boundaries of the State, including minors.

As noted above, Hawaii Women Lawyers strongly supports this measure, but respectfully requests that the following amendments, also supported by other advocates, be made to the bill:

- (1) The original draft of S.B. 1 provided for licensed physician assistants to be able to perform abortions in addition to physicians, osteopathic physicians, and advanced practice registered nurses. While we understand that the committee report for the S.D.1 notes that physicians assistants are already required to be under the supervision of physicians, for clarity we believe that the bill should explicitly authorize licensed physician assistants to perform abortions at page 4, lines 9-11 of the bill.

- (2) In furtherance of the stated purpose of this bill to protect and bolster the rights of all individuals with respect to privacy and bodily autonomy, we respectfully ask that a global change be made to substitute the phrase “pregnant person” for “patient” wherever it is used. “Pregnant person” is an inclusive term that ensures our laws will create the widest safety net possible for all affected persons in the State.
- (3) In the bold-faced titles of Part I, Sections 2 and 3, we respectfully ask that the word “penalties” be removed from the titles at HRS 453-16 (page 4, line 6) and HRS 457-8.7 (page 6, line 4), as the penalty sections are deleted in the S.D.1.
- (4) We suggest that the word “and” be added at page, 6, line 12 to the end of HRS Section 457-8.7(a)(2) after the semicolon, to separate sub-clause (a)(2) from sub-clause (a)(3).

Hawaii Women Lawyers reiterates its previous position that it is more important than ever for the State to reaffirm and shore up the protections for abortion care in Hawai'i law in the aftermath of the United States Supreme Court's recent decision *in Dobbs v. Jackson Women's Health Organization* and to protect those health care providers that put their professional livelihoods at risk to perform and assist with providing abortions. We strongly believe that S.B. 1, S.D. 1, including the technical amendments suggested above, will effectively reverse and prevent the potential impacts that the *Dobbs* decision would otherwise have on our State and return Hawai'i to the state of affairs prior to the overruling of *Roe*.

For these reasons, we respectfully submit our strong support for S.B.1, S.D. 1 and ask for the amendments we have outlined in this testimony.



# HMIHC

HAWAII MATERNAL & INFANT  
HEALTH COLLABORATIVE

Thursday, February 23, 2023, 9:45 AM  
Hawaii State Capitol, Conference Room 016 & Videoconference

To: Senate Committee on Judiciary  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

From: Hawaii Maternal and Infant Health Collaborative (HMIHC)

**POSITION: STRONG SUPPORT**

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee on Judiciary,

Thank you for the opportunity to submit testimony in **STRONG SUPPORT SB 1 SD 1 with amendments.**

Senate Bill 1 HD 1, which aims to protect abortion care in Hawai'i by protecting Hawai'i's healthcare providers from legal actions imposed by conservative states, resonates strongly with the Hawai'i Maternal and Infant Health Collaborative and we urge you to pass this bill to protect the privacy and health of our communities, and to protect our health care workforce across the state.

We also request the following amendments:

- 1.) We ask that the legislature consider replacing the word "patient" with "pregnant person." For example, on page 5, section 2b, where it states, "Notwithstanding any law to the contrary, a patient has the right to choose to obtain an abortion or to terminate a pregnancy if the termination is necessary to protect the life or health of the patient," we ask that patient is replaced with "pregnant person." Because of restrictions and difficulty accessing our healthcare system, some pregnant people will obtain medications on their own and, therefore, will not technically be patients.
- 2.) We are also supportive of Physician Assistants providing abortions and ask that this be added back to SB 1.

For these reasons, the Hawai'i Maternal and Infant Health Collaborative urge your committee to be proactive in protecting abortion access in Hawai'i, and strengthening our existing statutes.



Founded in 2013, the Hawai‘i Maternal and Infant Health Collaborative (Collaborative) is a public private partnership committed to improving birth outcomes and reducing infant mortality in Hawai‘i. We are focused on health in the first year of life and want children to have the best start in life. The health of a mother strongly impacts the health and wellbeing of her children and family. We believe House Bill 1943 HD1 will improve the health of mothers thereby optimizing the wellbeing of families in Hawai‘i.

The Collaborative was developed in partnership with the Executive Office of Early Learning’s Action Strategy with help from the Department of Health and National Governors’ Association. The [Action Strategy](#) provides Hawai‘i with a roadmap for an integrated and comprehensive early childhood system, spanning preconception to the transition to Kindergarten. The Collaborative is Team 1 of the Action Strategy and helps advance their goals by focusing on ensuring that children have the best start in life by being welcomed and healthy. The Collaborative has completed a strategic plan and accompanying Logic Model, *The First 1,000 Days*, aimed at achieving the outcomes of 8% reduction in preterm births and 4% reduction in infant mortality. To date over 150 people across Hawai‘i have been involved in the Collaborative. These members include physicians and clinicians, public health planners and providers, insurance providers and health care administrators. The work is divided into three primary areas, preconception, pregnancy and delivery, and the first year of life, and coordinated by a cross sector leadership team. Work is specific, outcome driven, informed by data and primarily accomplished in small work groups.

Thank you for the opportunity to testify in **STRONG SUPPORT** of this critical legislation.



**February 23, 2023 at 9:45 am**  
**Conference Room 016**

**Senate Committee Judiciary**

To: Chair Karl Rhoads  
Vice Chair Mike Gabbard

From: Paige Heckathorn Choy  
Associate Vice President, Government Affairs  
Healthcare Association of Hawaii

**Re: Support for Strengthening Protections for Healthcare Providers**  
**SB 1 SD 1, Relating to Health Care**

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 170 member organizations who represent almost every aspect of the healthcare continuum in Hawaii. Members include acute care hospitals, skilled nursing facilities, home health agencies, hospices, assisted living facilities and durable medical equipment suppliers. In addition to providing access to appropriate, affordable, high-quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing more than 30,000 people statewide.

Thank you for the opportunity to **support** strengthened protections for providers when providing reproductive health services, especially against action brought by other states for services that are legal to perform in Hawaii. We were and continue to be supportive of Governor David Ige's executive order shielding providers from other states' restrictive laws, and appreciate that the legislature is seeking to codify many of the policies enumerated in that order.

We appreciate the comprehensive nature of this measure in ensuring that providers are shielded from punitive policies passed in other states. There have already been documented cases where individual states will attempt to penalize providers for their involvement in reproductive health services, even if the services are legal in the state they are provided. It is not a hypothetical threat, and we are grateful that the state is seeking to shield providers for doing what is best for their patients. Thank you for the opportunity to comment on this important matter.



**Written Testimony Presented Before the  
Senate Committee on Judiciary  
Thursday, February 23, 2023 at 9:45 A.M.  
Conference Room 016 and via Videoconference**

**By  
Laura Reichhardt, APRN, AGPCNP-BC  
Director, Hawai'i State Center for Nursing  
University of Hawai'i at Mānoa**

**WRITTEN TESTIMONY IN SUPPORT on S.B. 1, S.D. 1**

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary, thank you for the opportunity to testify in **support S.B. 1, S.D. 1 section 3, Part II, Part III sections 6, 10, and 11, and Part IV as it relates to nursing practice.**

In 2021, the Legislature, in its great wisdom, established that Advance Practice Registered Nurses (APRNs) can improve access to care for people in Hawai'i by authorizing them, via Act 3, SLH 2021, to provide medication and aspiration abortion care. At that time, the Senate noted that "Many women, particularly those on the neighbor islands and in rural parts of the State, do not have access to physicians who are authorized to perform abortions. Thus, these women are forced to fly to another island in addition to taking time off work, arranging childcare, and booking lodging to see a physician and receive safe and adequate care. Your Committees find that APRNs can safely provide abortion care and can do so outside of hospitals. This measure allows APRNs to perform medication or aspiration abortions." (Standing Committee Report Number 1178, Re: H.B. 578, H.D.3).

This measure codifies statutes to be consistent with the current, evidence-based practice standards. In addition, this measure aims to protect patients' access to care that is established in law in Hawai'i, as well as protect the qualified healthcare providers who offer these healthcare services.

The Hawai'i State Center for Nursing respectfully asks the Committee to pass **S.B. 1, S.D. 1** through your committee. The Center thanks your committee for its commitment to the people of Hawai'i, and ensuring access to high-quality health care by protecting safe and evidence-based healthcare provided by local healthcare providers including APRNs.

*The mission of the Hawai'i State Center for Nursing is that through collaborative partnerships, the Center provides accurate nursing workforce data for planning, disseminates nursing knowledge to support excellence in practice and leadership development, promotes a diverse workforce, and advocates for sound health policy to serve the changing health care needs of the people of Hawai'i.*

**SB-1-SD-1**

Submitted on: 2/22/2023 12:06:08 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Pride at Work - Hawaii	Testifying for Pride @ Work - Hawaii	Support	Written Testimony Only

Comments:

Aloha Senators,

Pride at Work – Hawai‘i is an official chapter of Pride At Work which is a national nonprofit organization that represents LGBTQIA+ union members and their allies. P@W-HI fully supports SB 1 SD 1.

We ask that you support this needed piece of legislation.

Mahalo,

Pride at Work – Hawai‘i



HAWAI'I STATE  
COALITION AGAINST  
DOMESTIC VIOLENCE

February 23, 2023

Members of the Senate Committee on Judiciary:

Chair Karl Rhoads  
Vice Chair Mike Gabbard  
Sen. Brandon J.C. Elefante  
Sen. Joy A. San Buenaventura  
Sen. Brenton Awa

Re: SB1 SD1 Relating to Minors

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) addresses the social, political, and economic impacts of domestic violence on individuals, families, and communities. We are a statewide partnership of 28 domestic violence programs and shelters.

We respectfully submit testimony supporting SB1 SD1 because protecting access to abortions also allows protects a method by which survivors of domestic violence can escape or cut ties from an abusive partner or regain confidence in their autonomy.

Reproductive health can and has been used as a tactic to control or hold power over an intimate partner in a situation involving domestic violence. Pregnancy has been associated with both an increased initiation of Intimate Partner Violence (IPV), as well as the increased severity of IPV. In contrast, pregnant people who were experiencing IPV reported a reduction in abuse following an abortion.

This legislation will protect abortion access by:

- Clarifying that all pregnant people in the state have the right to access abortion care, including transgender and gender nonbinary people
- Allowing physician assistants to provide safe and effective abortion care
- Protecting access to telehealth abortion services
- Reinforcing young people's ability to access abortion care

Providers need to be confident that they can continue to focus on patient health and that Hawai'i will always be a safe place to do what is best for the patient. This bill will also protect abortion providers by:



HAWAI'I STATE  
**COALITION AGAINST  
DOMESTIC VIOLENCE**

- Prohibiting medical licensure boards from taking adverse action against providers who provide care that is legal in the state of Hawai'i
- Eliminating archaic provisions that threaten criminal prosecution against providers for providing safe and basic abortion care
- Limiting cooperation with other states' investigations and proceedings about the provision of abortion

Thank you for the opportunity to testify on this important matter.

Sincerely,  
Angelina Mercado, Executive Director



*Eric W. Gill, Financial Secretary-Treasurer*

*Gemma G. Weinstein, President*

*Cade Watanabe, Senior Vice-President*

February 22, 2023

Committee on Judiciary  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

**Testimony in support of SB 1**

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

UNITE HERE Local 5 represents working people throughout Hawaii's hotel, food service and health care industries. **We support SB 1.** UNITE HERE Local 5 believes all people should have quality health care and the right to control their own bodies. The recent Supreme Court decision overturning Roe v. Wade is an attack on working people and the first in a likely series of decisions intended to bolster the power of the few to the detriment of the many. For Local 5, access to abortion is about workers having control over our personal and economic futures. And it matters to all of us as workers and union members because when they attack one of us, they attack all of us. We make this statement with a deep respect for persons of all faiths and a deep respect for the blessing of life.

For Local 5, reproductive freedom is one of many rights inherent to the dignity of the working class that also includes quality healthcare, access to a good education, a voice on the job, living wages, affordable and safe homes, and time off to enjoy our lives. We know the only way we can win these things is if we stand up for one another and remain united.

Thank you for your consideration.



Papa Ola Lokahi  
Nana I Ka Pono Na Ma

894 Queen Street  
Honolulu, Hawaii 96813  
Phone: 808.597.6550  
www.papaolalokahi.org

**Senate Committee on Judiciary**  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

**Thursday, February 23, 2023, 9:45 AM, Conference Room 016 & Videoconference**

**RE: SB 1 SD 1 – RELATING TO HEALTH CARE**  
**Position: STRONG SUPPORT**

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee on Judiciary,

Papa Ola Lokahi testifies **in strong support** of SB 1 SD 1, which increases protections regarding an individual's right to privacy and bodily autonomy (including minors), and develops protections for reproductive health care providers from disciplinary action related to the delivery of reproductive health services. The State Legislature's intent to thoughtfully respond to the many implications of the Dobbs vs. Jackson Women's Health Organization decision reflects historical movement in Hawaii, where reproductive rights have been a focal point since 1970. Moreover, the protection of human rights aligns with the mission of Papa Ola Lokahi, which is meant to uplift the health status of Native Hawaiians as well as the self-determination of their destinies without fear of harm or retaliation.

It remains legal in Hawaii to access abortion services, and we must ensure that our health care providers are protected in accessing and providing reproductive health services. The breadth of abortion services may involve, but is not limited to, nurses, imaging staff, urgent care providers, family medicine physicians, and pharmacists – so encompassing all providers needed for reproductive health services is best done through legislation. The Dobbs vs. Jackson decision jeopardizes the legal and literal safety of the health care workforce, which may compound the already worrisome statewide provider shortage. Ultimately, the loss of providers will impact communities the most, so protecting providers is critical. It is also prudent to develop these steps now, as other states have already restricted abortion access and are moving to enact laws that reach across state lines.

For these reasons and more, we ask that you pass this measure to protect the privacy of individuals, the right of self-determination for people to make their own health care decisions with full access to the extent of medical care that can be provided, including abortion; and the safety of our abortion providers.

Thank you for the opportunity to testify in **STRONG SUPPORT** of this critical legislation.

*Papa Ola Lōkahi, the Native Hawaiian Health Board, authorized by the federal Native Hawaiian Health Care Improvement Act, is charged with raising the health status of Native Hawaiians to the highest possible level, which we achieve through strategic partnerships, programs, and public policy.*





February 23, 2023

TO: Senator Karl Rhoads, Chair,  
Senator Mike Gabbard, Vice Chair and  
Members of the Committee on Judiciary

FROM: Jeanne Y. Ohta, Hawai'i State Democratic Women's Caucus

RE: SB 1 SD1 Relating to Health Care

Position: **STRONG SUPPORT**

Chair Rhoads, Vice Chair Gabbard and members of the Committee. The Hawai'i State Democratic Women's Caucus writes in strong support of SB 1 Relating to Health Care which authorizes physician assistants to perform abortions; and other changes that were made to reverse and prevent the potential impacts of the Supreme Court's decision in *Dobbs v. Jackson Women's Health* on the residents of Hawai'i.

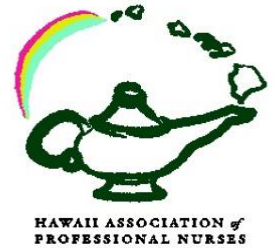
This bill is about ensuring access to reproductive care, including abortion care for those who need those services; care that is essential to their health and care that they are absolutely entitled to. Protecting providers of such care and expanding care by physician assistants are important to keeping all reproductive care accessible in Hawai'i.

This measure is not only a priority of the Hawai'i State Democratic Women's Caucus; it is also a priority of the Democratic Party of Hawai'i.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii's women and girls.

We respectfully request that the Committee pass this important measure. We thank you for the opportunity to submit our testimony in strong support of SB 1 SD1.

## Hawai'i Association of Professional Nurses (HAPN)



To: The Honorable Senator Karl Rhoads, Chair of the Senate  
Committee on Judiciary

From: Hawaii Association of Professional Nurses (HAPN)  
Subject: SB1 SD1 – Relating to Health Care, in Support

Hearing: February 23, 2023, 9:45a.m.

Aloha Senator Rhoads, Chair; Senator Gabbard, Vice Chair; and Committee Members,

Thank you for the opportunity to submit testimony regarding SB1 SD1. HAPN believes that healthcare access in Hawaii is at a point where provider supply is not in line with healthcare demand. As such, HAPN is in **Support** of protecting those who seek and provide abortion services from laws from other states that counter the wise policies regarding abortion law in Hawaii.

Our members have always supported patient access to care in our communities. We also believe that our patients and providers need protection from challenges from other states' law. We believe that legal protection for patients, those who assist, and those who perform important health care services require this protection.

HAPN's mission, to be the voice of APRNs in Hawaii, has been the guiding force that propelled us to spearhead the advancement of patients access to healthcare as well as supporting the recognition of the scope of practice for APRNs in Hawaii which led us to full practice authority. We have worked to improve the physical and mental health of our communities. As our ability to provide close care with our patients progressed, we also opened up our own clinics to provide the care our patients deserve. APRNs have played an important role in the healthcare of our communities and we will continue to be by our patients' side as they make many different healthcare decisions throughout their lives.

HAPN respectfully asks your Committees to pass SB1 SD1. Thank you for the opportunity to share the perspective of HAPN with your committee. Thank you for your enduring support of the nursing profession in the Aloha State.

Respectfully,  
Dr. Jeremy Creekmore, APRN  
HAPN President

Dr. Bradley Kuo, APRN  
HAPN Legislative Committee, Chair  
HAPN Past President

**SB-1-SD-1**

Submitted on: 2/21/2023 12:55:28 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shannon Matson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I strongly support SB1. Huge mahalo to all the Senators and their staff who introduced this, and especially to those who listened to our feedback and put it all together to create a truly comprehensive bill to protect our rights to privacy and access to reproductive healthcare. This is crucial- a basic fundamental freedom and human right and it will truly help Hawai'i be a more equitable and safe place to live and choose to raise a family in. Next, once you awesome humans pass this and Governor signs it, we just gotta make sure we actually put the money and programs in place to truly make abortion and other reproductive healthcare access as equitable and safe and free from fear of legal prosecution to obtain in person (or by mail) as it appears to be on paper.

Mahalo nui,

Shannon Matson

Hawai'i Island Resident

**SB-1-SD-1**

Submitted on: 2/21/2023 1:46:34 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Tamara Swift	Individual	Support	Written Testimony Only

Comments:

**This proposed bill would codify and expand on Governor Ige’s Executive Order 22-05 by:**

- 1) Prohibiting disclosure of healthcare information related to abortion obtained in Hawai’i without the consent of the patient/guardian for purposes of civil litigation in another state related to that abortion;**
  
- 2) Prohibiting circuit courts from issuing a subpoena requested by another state in connection with an out-of-state proceeding related to an abortion legally performed in Hawaii;**
  
- 3) Prohibiting state agencies or officials from providing any information or expending any time, facilities, personnel or other resources in furthering interstate investigation seeking to impose civil or criminal liability upon a person for the provision or receipt of abortion care legal in Hawaii or for assisting any person in providing/seeking/receiving abortion care legal in Hawaii;**
  
- 4) Prohibiting a licensing authority (such as the Medical Board) from revoking, suspending or otherwise penalizing the license issued by the state of Hawaii to a health care provider solely upon that health care provider providing, assisting, aiding, referring or otherwise participating in abortion care so long as the service were otherwise performed in accordance with state laws.**

**SB-1-SD-1**

Submitted on: 2/21/2023 2:10:21 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael EKM Olderr	Individual	Support	Written Testimony Only

Comments:

Fifty years ago, our country should have guaranteed Women's rights to bodily autonomy with Roe v Wade. Still, decades of pressure and influence from right-wing politicians and judges have stolen the rights many women were born with. As Americans, we have taken for granted the rights and freedom that come from being born in this country, and we became complacent when signs of them started to deteriorate. Now, we have politicians and leaders within our government who campaign to take away individual rights under the guise of religion. This so-called pro-life movement that promoted the idea of taking away the right to an abortion is hypocritical in its messaging, practically and spiritually. As a Christian, I reject the argument that Abortion is against our divine doctrine, and I believe that it hinders the call our call from God by attacking and judging women who consider it.

Furthermore, getting an abortion is a profoundly personal decision, one that a woman alone can make. And the risks of not getting an abortion can be the difference between life or death, whether the birth will end in both the baby's and the mother's death. Finally, the lack of abortion access has also been shown to unfairly affect women of color and women living in poverty because, statistically, people of color are often given sub-par medical treatment compared to their light skin counterparts, resulting in more women of color dying during childbirth. Furthermore, an unplanned or forced pregnancy can continue the cycle of generational poverty and even throw a family or an unsuspecting individual into pregnancy if forced to raise it, resulting in a child forced to endure the emotional trauma of being born into poverty. Then there is the psychological burden of women who are victims of rape and incest, whose forced to live with the psychological scars of their unwilling and unlawful encounter. We must ensure women's safety and rights, not only of our islands but of our nation as well. Our islands must combat the hatred and bigotry that have been commonplace in our county and be the beacon of love and acceptance that we always claim to be.

**SB-1-SD-1**

Submitted on: 2/21/2023 2:11:51 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John Kawamoto	Individual	Support	Written Testimony Only

Comments:

My name is John Kawamoto, and I support SB 1 because it strengthens and modernizes our abortion laws to assure continuing access to legal abortion services throughout Hawaii.

Hawaii was the first state to legalize abortion, which was more than 50 years ago. Since then, our state laws have become obsolete and need to be strengthened to ensure safe and legal access to abortion for all persons in Hawaii, now that we have no federal protections.

Future generations depend on us taking actions now to protect these rights in Hawaii.

SB 1 provides robust protections for our abortion providers and patients so they are not punished by legal actions in other states, such as Texas, who seek to impose their punitive abortion bans on abortion care legally provided in Hawaii.

Authorizing physician assistants to provide abortion care will help address our shortage of abortion providers, particularly on neighbor islands, to assure better access and prompt medical service. Expanding our minors' healthcare statute will assure minors also have safe, legal access to abortion services.

**SB-1-SD-1**

Submitted on: 2/21/2023 2:14:29 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Elizabeth Hansen	Individual	Support	Written Testimony Only

Comments:

Aloha

Please support this bill. Women **MUST** have the right to decide how to handle their own bodies and the providers who support them in their decisions **MUST** be protected.

Mahalo,

Elizabeth Hansen, Hakalau HI 96710

**SB-1-SD-1**

Submitted on: 2/21/2023 2:15:48 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rodger Hansen	Individual	Support	Written Testimony Only

Comments:

Aloha

Please support this bill. Women **MUST** have the right to decide how to handle their own bodies and the providers who support them in their decisions **MUST** be protected.

Mahalo,

Rodger Hansen, Hakalau HI 96710



**SB-1-SD-1**

Submitted on: 2/21/2023 2:16:37 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this important bill! Mahalo.

**SB-1-SD-1**

Submitted on: 2/21/2023 2:20:38 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Coralie Matayoshi	Individual	Support	Written Testimony Only

Comments:

**I strongly support SB 1 because it strengthens and modernizes our abortion laws to assure continuing access to legal abortion services throughout Hawaii.**

Hawaii was the first state to legalize abortion (1970). However, our state laws have become antiquated and need to be strengthened to ensure safe and legal access to abortion for all persons in Hawaii, now that we have no federal protections. Future generations depend on us taking actions now to protect these rights in Hawaii.

SB 1 provides robust protections for our abortion providers and patients so they are not punished by legal actions in other states, such as Texas, who seek to impose their punitive abortion bans on abortion care legally provided in Hawaii.

Authorizing physician assistants to provide abortion care will help address our shortage of abortion providers, particularly on neighbor islands, to assure better access and prompt medical service.

Expanding our minors' healthcare statute will assure minors also have safe, legal access to abortion services.

Thank you for the opportunity to testify on this very important matter.

**SB-1-SD-1**

Submitted on: 2/21/2023 2:22:33 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Ron Matayoshi	Individual	Support	Written Testimony Only

Comments:

**I support SB 1**

**because it strengthens and modernizes our abortion laws to assure continuing access to legal abortion services throughout Hawaii.**

Hawaii was the first state to legalize abortion (1970). However, our state laws have become antiquated and need to be strengthened to ensure safe and legal access to abortion for all persons in Hawaii, now that we have no federal protections. Future generations depend on us taking actions now to protect these rights in Hawaii.

SB 1 provides robust protections for our abortion providers and patients so they are not punished by legal actions in other states, such as Texas, who seek to impose their punitive abortion bans on abortion care legally provided in Hawaii.

Authorizing physician assistants to provide abortion care will help address our shortage of abortion providers, particularly on neighbor islands, to assure better access and prompt medical service.

Expanding our minors' healthcare statute will assure minors also have safe, legal access to abortion services.

**SB-1-SD-1**

Submitted on: 2/21/2023 2:24:09 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Lorraine Robinson	Individual	Support	Written Testimony Only

Comments:

**I support SB 1 because it strengthens and modernizes our abortion laws to assure continuing access to legal abortion services throughout Hawaii.**

Hawaii was the first state to legalize abortion (1970). However, our state laws have become antiquated and need to be strengthened to ensure safe and legal access to abortion for all persons in Hawaii, now that we have no federal protections. Future generations depend on us taking actions now to protect these rights in Hawaii.

SB 1 provides robust protections for our abortion providers and patients so they are not punished by legal actions in other states, such as Texas, who seek to impose their punitive abortion bans on abortion care legally provided in Hawaii.

Authorizing physician assistants to provide abortion care will help address our shortage of abortion providers, particularly on neighbor islands, to assure better access and prompt medical service.

Expanding our minors' healthcare statute will assure minors also have safe, legal access to abortion services.

February 23, 2023

The Honorable Karl Rhoads, Chair  
The Honorable Mike Gabbard, Vice Chair  
Senate Committee on Judiciary  
Hawaii State capitol  
415 South Beretania  
Honolulu, HI 96813

Testimony in Support of SB 1 SD1 Relating to Health Care

Thank you for accepting my testimony in support of Senate Bill 1 SD1 which I fully support.

Following the recent Supreme Court decision *Dobbs v. Jackson Women's Health Org.*, it is important to take steps to ensure a woman's right to reproductive freedom in Hawaii. SB1 SD1 makes that happen.

I sincerely hope your committee will pass SB 1 SD1 and help all the women in our state.

Mahalo,  
Mary Steiner

**SB-1-SD-1**

Submitted on: 2/21/2023 3:00:56 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Valerie Wayne	Individual	Support	Written Testimony Only

Comments:

SB 1 strengthens and modernizes our abortion laws to continue access to legal abortion services throughout Hawaii. For that reason, I enthusiastically support it.

While we were the first state to legalize abortion, our state laws need to be strengthened to ensure legal access to abortion for everyone in Hawaii. We have no federal protections at all at the moment, so we need state protections.

SB 1 provides that protection for our abortion providers and patients so they are not punished by legal actions in states like Texas that seek to impose their abortion bans on those beyond their borders.

If we can also authorize physician assistants to provide abortion care, then we can help address our shortage of abortion providers on neighbor islands.

If we expand our minors' healthcare statute, then we will assure that minors also have safe, legal access to abortion services. Please pass this bill and provide better protections for the citizens of our state.

**SB-1-SD-1**

Submitted on: 2/21/2023 3:03:56 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jennifer Taylor	Individual	Support	Written Testimony Only

Comments:

**I support SB 1 because it strengthens and modernizes our abortion laws to assure continuing access to legal abortion services throughout Hawaii.**

Hawaii was the first state to legalize abortion (1970). However, our state laws have become antiquated and need to be strengthened to ensure safe and legal access to abortion for all persons in Hawaii, now that we have no federal protections. Future generations depend on us taking actions now to protect these rights in Hawaii.

SB 1 provides robust protections for our abortion providers and patients so they are not punished by legal actions in other states, such as Texas, who seek to impose their punitive abortion bans on abortion care legally provided in Hawaii.

Authorizing physician assistants to provide abortion care will help address our shortage of abortion providers, particularly on neighbor islands, to assure better access and prompt medical service.

Expanding our minors' healthcare statute will assure that the most vulnerable of our minors, especially those in abusive homes or those with absent or uncaring parents also have safe, legal access to abortion services.

**SB-1-SD-1**

Submitted on: 2/21/2023 3:25:47 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nick Dreher	Individual	Support	Written Testimony Only

Comments:

I support SB1.



**SB-1-SD-1**

Submitted on: 2/21/2023 3:28:55 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Jay Fidell	Individual	Support	Written Testimony Only

Comments:

**Dear Chair and Committee:**

**I support SB 1 and, given what has happened in our country I hope you will, too.**

It strengthens and modernizes Hawaii's abortion laws to assure continuing access to legal abortion services in our state.

To its credit, Hawaii was the first state to legalize abortion in 1970. However, now that we no longer have federal protections our state laws need to be strengthened to ensure safe and legal access to abortion for everyone in Hawaii. Future generations depend on our efforts to protect these rights.

SB 1 provides important protections for our abortion providers and patients so they are not punished by legal actions in other less enlightened states, such as Texas, who seek to impose grossly punitive abortion bans on abortion care which has been legally provided in Hawaii.

Authorizing physician assistants to provide abortion care will help address our shortage of abortion providers, particularly on the neighbor islands, to assure better access and prompt medical service.

Expanding our minors' healthcare statute will assure that minors also have safe, legal access to abortion services.

For the people and the future of Hawaii, I urge you to pass SB 1.

Thank you.

Jay Fidell

Thursday, February 23, 2023, 9:45 am, Room 016

To: Senate Committee on Judiciary  
Chair, Senator Karl Rhoads  
Vice Chair, Senator Mike Gabbard

From: Jean Evans, (Individual)

**Re: TESTIMONY IN SUPPORT OF SB 1, SD 1- RELATING TO HEALTH CARE**

My name is Jean Evans and **I am Strong support of SB 1, SD 1 Relating to Health Care.**

Hawaii has been a leader in recognizing the importance of protecting reproductive rights. However, following the recent the U.S. Supreme Court decision Dobbs v Jackson Women's Health Organization which overturned Roe v Wade, an increasing number of states have been passing legislation restricting access to abortion within their state. It is imperative that Hawaii formalize protection for access to abortion services. Protecting access to abortion necessitates protecting our current healthcare and abortion care workforce.

This version of the bill provides comprehensive changes to the Hawaii statutes to protect providers as well as protect an individual's right to obtain an abortion.

Thank you for allowing me to submit testimony to day and I encourage you to pass this important measure.

*Jean Evans*

**SB-1-SD-1**

Submitted on: 2/21/2023 3:46:06 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Jenny Silbiger	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Judiciary Committee,

**I support SB 1 because it strengthens and modernizes our abortion laws to assure continuing access to legal abortion services throughout Hawaii.**

Hawaii was the first state to legalize abortion (1970). However, our state laws have become antiquated and need to be strengthened to ensure safe and legal access to abortion for all persons in Hawaii, now that we have no federal protections. Future generations depend on us taking actions now to protect these rights in Hawaii.

SB 1 provides robust protections for our abortion providers and patients so they are not punished by legal actions in other states, such as Texas, who seek to impose their punitive abortion bans on abortion care legally provided in Hawaii.

Authorizing physician assistants to provide abortion care will help address our shortage of abortion providers, particularly on neighbor islands, to assure better access and prompt medical service.

Expanding our minors' healthcare statute will assure minors also have safe, legal access to abortion services.

Thank you for considering my testimony.

Sincerely,

Jenny Silbiger

**SB-1-SD-1**

Submitted on: 2/21/2023 4:09:02 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Esther Geil	Individual	Support	Written Testimony Only

Comments:

Please pass this bill. I wish you could pass it for all of the USA, but at least let's have our rights here in Hawaii.

Thank you!

**SB-1-SD-1**

Submitted on: 2/21/2023 4:57:25 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Steve Glanstein	Individual	Support	Written Testimony Only

Comments:

**SB 1 strengthens and modernizes our abortion laws to assure continuing access to legal abortion services throughout Hawaii.**

Our state was the first state to legalize abortion (1970). The recent loss of federal protection for reproductive rights is a step backwards for all of us. Our state needs to address this challenge by ensuring safe and legal access to abortion for all persons.

This bill will provide stronger protection to Hawaii's abortion providers and patients so they are not punished by legal actions in other states, such as Texas.

The expansion of authority to physician assistants for abortion care will help address the shortage of abortion providers, particularly on neighbor islands. Please pass this bill.

**SB-1-SD-1**

Submitted on: 2/21/2023 5:10:32 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Deb Nehmad	Individual	Support	Written Testimony Only

Comments:

This is late because the notice was very short. I STONGLY STRONGLY STRONLY support this bill

**SB-1-SD-1**

Submitted on: 2/21/2023 5:06:34 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sue Hornik	Individual	Support	Written Testimony Only

Comments:

I strongly support SB 1. It updates our antiquated abortion laws and strengthens them to make sure every woman in Hawaii has much needed access to legal abortion services.

We should be proud that Hawaii was the first state to legalize abortion and build on that legacy now that our federal protections have been so cavalierly stripped away. We have a moral obligation to take action to protect these rights so women today and in the future have the same freedom to bodily autonomy that we have enjoyed.

SB 1 crucially protects our abortion providers and patients so they are not punished by legal actions in aggressive states, such as Texas, which are trying to force their punitive abortion bans on abortion care legally provided in states like Hawaii.

Our shortage of abortion providers, particularly on neighbor islands, is disgraceful so authorizing physician assistants to provide abortion care is a much-needed improvement that will help assure better access and prompt medical service. Minors too deserve safe, legal access to abortion services so expanding our minors' healthcare statute will help address that gap. Please pass this bill!

**SB-1-SD-1**

Submitted on: 2/21/2023 6:12:54 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cristina Bacchilega	Individual	Support	Written Testimony Only

Comments:

as a woman, mother, and grandmother in Hawai‘i nei i am grateful to be living in a place where the state legalized abortion in 1970. It’s the right thing to do to protect lives and to ensure that women have reproductive choices. SB1 ensures that abortion providers & patients cannot be punished by legal action in other states. This kind of protection is now necessary as we continue to face challenges to women’s health and right to our bodies. Please do the right thing and help to ensure that abortion continues to be safely provided in Hawai‘i. Say yes to SB1. Thank you,



**SB-1-SD-1**

Submitted on: 2/21/2023 6:55:02 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Abby Simmons	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and Esteemed Committee,

Im writing in strong support of SB1, which guarantees the fundamental right of a woman to make her own informed decisions with her body and protects individuals from harmful and illegitimate overreach of outside state jurisdictions.

Thank you for considering my testimony.

**SB-1-SD-1**

Submitted on: 2/21/2023 7:36:37 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Nikki-Ann Yee	Individual	Support	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard and members of the Committee,

I am in strong support of SB1. In March 1970, not long before the Supreme Court made their decision in Roe v. Wade, **Hawaii became the first state in the US to decriminalize abortion** by removing all requirements to justify having the procedure done. With the attack on reproductive rights throughout the nation, it is imperative that Hawai'i formalize protection for access to abortion services. Please pass SB1 to protect our current healthcare and abortion care workers.

Mahalo for the opportunity to testify.

Nikki-Ann Yee

**SB-1-SD-1**

Submitted on: 2/21/2023 8:08:34 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dani Mathisen	Individual	Support	Written Testimony Only

Comments:

I support this bill both as a patient and a health care provider affected abortion restrictions.

**SB-1-SD-1**

Submitted on: 2/21/2023 8:15:42 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Beth Anderson	Individual	Support	Written Testimony Only

Comments:

I support Bill SB 1. Access to abortion is an essential part of women's health care. The right to choose is between a woman and her doctor, no one else, especially not a Supreme Court Justice or legislator. Women are entitled to individual control over their own body and they should have access to safe birth control. Please keep these rights safe in Hawaii by supporting Bill SB 1.

Denying women abortion rights is barbaric and misogynistic. Limiting women's options in life through restrictions like abortion bans puts the lives of millions of women at risk, as well as their economic status. Financial insecurity is one of the most common reasons women seek abortion care. Single mothers, low-income mothers with children, single women trying to complete their education and work their way out of debt, etc. are all at risk of becoming unemployed and falling below the poverty level without access to abortion. Unwanted pregnancies can cause great harm to a family's security and the security of the existing children in that family. Pregnancies often present with complications, some of them life-threatening, some limiting a women's ability to work and support her family. Some pregnancies limit a woman's ability to care for her children, because of medial complications.

If abortion is made illegal and unavailable, many more women's lives will be put at unnecessary risk and maternal fatality rates will rise. Abortion bans in other states are already endangering women's lives and some have died because they were denied care. Abortion bans have put lawyers in operating rooms and made doctors into criminals in some states for giving necessary emergency care that involved sacrificing the fetus to save the life of a mother. Unreasonable laws are killing women because of ignorant, absurd restrictions regarding medical procedures legislators don't understand. Women are forced to travel to other states to obtain life-saving emergency procedures that are denied by abortion laws in their own state. These draconian, hypocritical policies are harming all Americans. Please support SB 1 and keep access to women's health care, including abortion care, protected in Hawaii.

Mahalo.

**SB-1-SD-1**

Submitted on: 2/21/2023 9:18:08 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Polk	Individual	Comments	Written Testimony Only

Comments:

I support this bill and hope you will pass it, but I am concerned about a statement that appears twice and seems to be a step backward with respect to women's rights. On pages 5 and 7, the following sentence appears:

"Notwithstanding any laws to the contrary, a patient has the right to choose to obtain an abortion, or to terminate a pregnancy **if the termination is necessary to protect the life or health of the patient.**" [boldface added]

Why should there be such a restriction? There are many other reasons to seek an abortion than these two. I can envision a future time as society becomes more conservative, a doctor or judge questioning whether a woman's pregnancy was in any way threatening to her life or health. Including this condition on the right to abortion undermines the ability of a woman to make her own choices.

I ask that you **amend these sentences and pass the bill.**

**SB-1-SD-1**

Submitted on: 2/21/2023 8:46:11 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

Access to safe abortion care is part of the fundamental human right to health and bodily autonomy. Women have the right to choose abortion as a legitimate medical option in planning their own healthcare, and no one else has a right to interfere in that decision.

There is no valid justification for infringing on this right. Exerting any form of control over a woman’s bodily autonomy is patriarchal violence. It is a human rights violation. Despite this, religious fundamentalists in Republican-controlled states are passing sweeping, deadly, authoritarian bans on this component of reproductive healthcare.

Hawai‘i must stand for human rights, for access to healthcare, and for freedom from religious fanaticism. We must do everything within our power to strengthen abortion protections within our jurisdiction.

As part of this duty, our state must guarantee and protect the privacy of those seeking and of those providing abortion services and reproductive healthcare. Republican abortion bans on the continent often contain provisions to persecute abortion seekers who travel to states like Hawai‘i to access care, as well as providers who deliver care in other jurisdictions. The threat within these laws can have a chilling effect on abortion-seekers and providers.

Hawai‘i must send a strong signal that we will not cooperate with these attempts to persecute care-seekers or -providers in their home states. Please pass SB1 SD1.

**SB-1-SD-1**

Submitted on: 2/21/2023 9:56:52 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Barbara Richardson	Individual	Support	Written Testimony Only

Comments:

I support SB 1

It strengthens and modernizes our abortion laws to assure continuing access to legal abortion services throughout Hawaii.

SB 1 provides robust protections for our abortion providers and patients so they are not punished by legal actions in other states which seek to impose their punitive abortion bans on abortion care legally provided in Hawaii.

Authorizing physician assistants to provide abortion care will help address our shortage of abortion providers, particularly on neighbor islands, to assure better access and prompt medical service.

Also, expanding our minors' healthcare statute will assure minors have safe, legal access to abortion services.

**SB-1-SD-1**

Submitted on: 2/21/2023 10:40:27 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Barbara Shimei	Individual	Support	Written Testimony Only

Comments:

I support SB 1, SD1.



**SB-1-SD-1**

Submitted on: 2/22/2023 5:22:23 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Kunitake	Individual	Support	Written Testimony Only

Comments:

Dear Chair Senator Karl Rhoads, Vice Chair Senator Mike Gabbard and members of the Committee.

My name is Caroline Kunitake and I am in STRONG SUPPORT of SB1, SD1.

Hawaii has been a leader in recognizing the importance of protecting reproductive rights. However, following the recent U.S. Supreme Court decision Dobbs v Jackson, Women’s Health Organization which overturned Roe v Wade, an increasing number of states have been passing legislation restricting access to abortion within their state. It is imperative that Hawaii formalize protection for access to abortion services. Protecting access to abortion necessitates protecting our current healthcare and abortion care workforce.

This proposed bill would codify and expand on Governor Ige’s Executive Order 22-05 by:

- 1) Prohibiting disclosure of healthcare information related to abortion obtained in Hawai’i without the consent of the patient/guardian for purposes of civil litigation in another state related to that abortion;
- 2) Prohibiting circuit courts from issuing a subpoena requested by another state in connection with an out-of-state proceeding related to an abortion legally performed in Hawaii;
- 3) Prohibiting state agencies or officials from providing any information or expending any time, facilities, personnel or other resources in furthering interstate investigation seeking to impose civil or criminal liability upon a person for the provision or receipt of abortion care legal in Hawaii or for assisting any person in providing/seeking/receiving abortion care legal in Hawaii;
- 4) Prohibiting a licensing authority (such as the Medical Board) from revoking, suspending or otherwise penalizing the license issued by the state of Hawaii to a health care provider solely upon that health care provider providing, assisting, aiding, referring or otherwise participating in abortion care so long as the service were otherwise performed in accordance with state laws.

Please support SB1, SD1. Thank you for this opportunity to express my deep concerns over this healthcare issue. Abortion is healthcare.

Mahalo,

Caroline Kunitake

**SB-1-SD-1**

Submitted on: 2/22/2023 5:30:26 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Joan Nakamura	Individual	Support	Written Testimony Only

Comments:

I support!

**SB-1-SD-1**

Submitted on: 2/22/2023 6:35:32 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Donna Kalama	Individual	Support	Written Testimony Only

Comments:

Support

**SB-1-SD-1**

Submitted on: 2/22/2023 7:13:42 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Bliss Kaneshiro	Individual	Support	Written Testimony Only

Comments:

As a board certified Obstetrician Gynecologist and an abortion provider I strongly support SB1 because it ensures abortion access in the state of Hawaii.

Bliss Kaneshiro MD, MPH

**SB-1-SD-1**

Submitted on: 2/22/2023 7:56:01 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Joanne Amberg	Individual	Support	Written Testimony Only

Comments:

Aloha!

Please support this important protection for providers of healthcare. Hawaii has been a leader in recognizing the importance of protecting reproductive rights. However, following the recent U.S. Supreme Court decision *Dobbs v Jackson, Women’s Health Organization* which overturned *Roe v Wade*, an increasing number of states have been passing legislation restricting access to abortion within their state. It is imperative that Hawaii formalize protection for access to abortion services. Protecting access to abortion necessitates protecting our current healthcare and abortion care workforce.

This is the time to show leadership as a state. I am a healthcare provider interested in providing this vital healthcare service for women and families. Although I don't yet perform or prescribe medication abortion, I counsel women and help them to make arrangements with providers that do. All those involved in facilitating and providing this important health care are at risk without this protection.

Please support this measure and strengthen women's healthcare into the future. Mahalo for your consideration.

Joanne Amberg, CNM, MSN, MPH

**SB-1-SD-1**

Submitted on: 2/22/2023 7:58:24 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lauren Ing	Individual	Support	Written Testimony Only

Comments:

I support this measure

**SB-1-SD-1**

Submitted on: 2/22/2023 8:08:21 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Paris Stowers	Individual	Support	Written Testimony Only

Comments:

I am a board certified Ob-Gyn physician in Hilo. I support SB1 as it protects access to abortion in Hawaii.



**SB-1-SD-1**

Submitted on: 2/22/2023 8:21:15 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ronnie Texeira	Individual	Support	Written Testimony Only

Comments:

I am an OBGYN in Hawaii, and it is critical for the health of women and birthing people and all our families that we protect access and our right to abortion

**SB-1-SD-1**

Submitted on: 2/22/2023 8:22:58 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Taylor Ronquillo	Individual	Support	Written Testimony Only

Comments:

I work in the healthcare setting in Hawaii and it is critical for the health of women and birthing people and all our families that we protect our right and access to abortion. I strongly support this bill.

**SB-1-SD-1**

Submitted on: 2/22/2023 8:23:59 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tracy Chen	Individual	Support	Written Testimony Only

Comments:

I am a Complex Family Planning Fellow of the University of Hawai'i's Department of OBGYN. I completed my OBGYN residency in Philadelphia, Pennsylvania, and am currently undergoing a two-year fellowship at the University of Hawai'i to become a subspecialist in complex contraception and abortion care. When I was applying for fellowship, the University of Hawai'i was my number-one choice because of the state's legacy of protecting abortion access, which was personified in its providers and the passion and dedication I saw from them on a national stage.

Because of the university's reputation in the field of complex family planning, based on Hawai'i's legacy, the University of Hawai'i draws top applicants for both medical school and residency. Training and education in this area has historically been difficult to access, and is expected to become even more difficult in the coming years due to the Supreme Court decision in *Dobbs v. Jackson*. This new generation of trainees, of which I am a part, is passionate and committed to providing the full spectrum of reproductive healthcare, including abortion. By showing the rest of the country that Hawai'i continues to be a leader in reproductive rights, we will continue to attract the top recruits to the state in fields like obstetrics and gynecology and family practice.

SB1 provides critical and timely updates to our abortion statute and protections to prevent legal actions against our healthcare providers and patients in Hawai'i, from other states who seek to impose their punitive abortion laws on abortion care legally provided here. SB1 properly reinforces the public policy and state constitutional right of privacy in Hawai'i.

I think of the patient that I saw recently, who was on island visiting her family and just so happened to find out that she was pregnant a mere three days before she, along with her partner and toddler, was supposed to fly back to her home state. Continuing this pregnancy was not the right decision for her or her family, but abortion would not be an option for her once she left Hawai'i, and so she and her partner were left scrambling for appointments. Thankfully, she was able to make an appointment with our office and get the care she needed before her flight back.

This patient reminded me that the people of Hawai'i don't all live in Hawai'i. Many of them live on the mainland, and look forward to reuniting with their family and the beautiful weather during the holidays and birthdays, and every other day of the year. They deserve care just as their family who lives here does, and myself and other healthcare providers deserve to be able to take care of

them without fear of civil lawsuits, criminal prosecution, and disciplinary action from foreign states, just for providing care that is fully legal in this state.

I urge you to pass SB1.

## TESTIMONY OF ELLEN GODBEY CARSON

### **I write in support of SB 1, SD 1 with a request for amendment.**

While I write as an individual, I have served as President of Hawaii Women Lawyers, the Hawaii State Bar Association, and the Sex Abuse Treatment Center. The major part of my legal career was spent in civil rights and health law, including protecting our rights to abortion here in Hawaii.

We can be proud that Hawaii was the first state to recognize the right of access to safe and legal abortion (1970). Unfortunately, our abortion laws have not kept pace with medical advances, minors' needs, reproductive health care gaps in our community, or protections needed from foreign states who seek to impose their punitive abortion bans on our islands. We need to modernize and strengthen our laws to assure abortion services will be safe, medically appropriate, and protected for the next generations.

### **Please SUPPORT SB 1, SD 1, as it will:**

- Provide clear statement of policy and fundamental rights to access safe, legal abortion for all pregnant persons in Hawaii
- Assure minors have access to safe, legal abortion care even if they are not able to obtain parental consent due to incest, fear of violence, eviction or other harm; or lack of loving parental relationships. While most minors do inform their parents and get their support, this protection is needed for minors who do not have a loving, caring home and where parents are either absent or may do harm to a minor who seeks an abortion.
- Clarify that abortions are not limited to surgical procedures, and may instead be by medication, which provides safety and accessibility benefits and is already the method of choice used in approximately half of first trimester abortions.
- Define "nonviable fetus" in a manner consistent with prevailing medical standards, and further recognize that termination of pregnancy of a viable fetus is also authorized if the termination is necessary to protect the life or health of the patient.
- Provide numerous essential protections from civil and criminal liability, discovery proceedings and judicial procedures, as well as medical licensure disciplinary actions. We are facing threats of civil lawsuits, criminal prosecutions, and medical licensure disciplinary actions from foreign states who seek to impose their punitive abortion bans on abortion providers and patients in this state. We need the strongest shield law we can create to protect our health care providers and their patients. Hawaii deserves the robust statutory protections from these challenges, as provided by this bill.

### **I request amendment to SB 1, SD 1 to authorize physician assistants to provide abortions.**

- The history, title and summary of this bill make clear that the intent was include an authorization for Physician Assistants (PAs) to perform abortions. This language was in the original SB 1 but appears to have been inadvertently dropped during the revisions to create SD1.
  - SB1, SD1 Official Report Title: "Abortion; Physician Assistants;..."

- SB1, SD1 Official Description: Part 1. Allows licensed physician assistants to perform abortions. ...”
- The Health & Human Services and Commerce & Consumer Protection Committees Report refers to the intent of the measure they approve as “authorizing licensed physician assistants to perform certain abortions....” Further discussion in that Report makes clear that they embraced, and did not remove, the intent to authorize PAs to provide abortion care.
- Physician assistants are highly skilled health care providers working under direct supervision of a physician. They already provide a wide range of medical services in surgery and clinical care, including procedures much more complex than abortion. They should be permitted to provide abortion care, as APRN’s already do.
- Amending SB 1 SD 1 to allow PA’s to provide abortion care helps address our shortage of abortion providers, especially on neighbor islands. This assures better access and prompt medical service (essential for having the safest abortion care) and removes burdensome costs of travel from neighbor island residents for abortion care.

Mahalo for protecting our reproductive freedoms here in Hawaii.

Ellen Godbey Carson, Honolulu, Hawaii

**SB-1-SD-1**

Submitted on: 2/22/2023 8:59:35 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Divya Dethier	Individual	Support	Written Testimony Only

Comments:

I am an ob/gyn in Hawaii, and am currently pursuing additional training to care for women needing abortion and contraception. I strongly urge you to pass SB1.

I take care of people every day seeking abortion care. I hear their stories, their life circumstances, their joys and sadnesses. I am privileged into this very intimate decision they are making with their family, to make the choice that is right for them. I am also privvy to the enormous impact a pregnancy can have on a person's health and well being, physically, emotionally, financially, and socially.

Reproductive rights are being taken away from so many women in this country. It is more important than ever to protect the reproductive freedom of the birthing people of Hawai'i. It is critical for the health of our people to protect this right, and protect access to abortion. I feel privileged to live and work in a state that values the rights of birthing people, and strongly urge you to protect that right through SB1.

I strongly urge you to vote in SUPPORT of SB1. Mahalo.

**SB-1-SD-1**

Submitted on: 2/22/2023 9:01:20 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Chrystie Fujimoto	Individual	Support	Written Testimony Only

Comments:

I am an OB/GYN in Hawaii, and it is critical for the health of all birthing people that we protect the right and access to abortion.

Chrystie Fujimoto MD



**SB-1-SD-1**

Submitted on: 2/22/2023 9:28:39 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nicole Pedersen	Individual	Support	Written Testimony Only

Comments:

I support SB 1 because it strengthens and modernizes our abortion laws to assure continuing access to legal abortion services throughout Hawaii. Hawaii was the first state to legalize abortion in 1970. However our state laws have become antiquated and need to be strengthened to ensure safe and legal access to abortion for all persons in Hawaii, now that we have no federal protections. Future generations depend on us taking actions now to protect these rights in Hawaii.

SB1 provides robust protections for our abortion providers and patients so they are not punished by legal actions in other states, such as Texas, who seek to impose their punitive abortion bans on abortion care legally provided in Hawaii.

Authorizing physician assistants to provide abortion care will help address our shortage of abortion providers, particularly on neighbor islands, to assure better access and prompt medical service.

Expanding our minors' healthcare statute will assure minors also have safe legal access to abortion services.

February 23, 2023

**To:** Senator Karl Rhoads - Chair, Senator Mike Gabbard - Vice Chair and Senate Committee on Judiciary Members

**From:** Lori Kamemoto, MD, MPH, FACOG

**Re:** SB1 SD1 – Relating to Health Care

**Position:** Strongly Support

As an Obstetrician/Gynecologist who has practiced in Hawaii for 30-plus years - I have firsthand knowledge of the importance of access to abortion care in promoting the health and wellbeing of Hawaii's women and families, as well as in reducing pregnancy-related illness and death.

SB1 SD1 provides critical and timely protections to prevent legal actions against Hawaii's healthcare providers and patients from other states that seek to impose their punitive abortion laws on abortion care legally provided in Hawaii.

Lawmakers in other states have threatened to introduce bills to penalize abortion care provided in Hawaii via threats of civil lawsuits, criminal prosecution, and disciplinary action against healthcare providers for performing lawful abortion services in Hawaii. Lawmakers in these states have even threatened patients who may travel to other states such as Hawaii and have care provided there, with criminal prosecution.

SB1 SD1 reinforces that such laws by other states are contrary to Hawaii's public policy and the state constitutional right of privacy in Hawaii.

Access to abortion care is a part of Women's Healthcare excellence. I have cared for pregnant tourists who travel to Hawaii as well as many pregnant Hawaii residents who unfortunately have serious and sometimes life-threatening pregnancy complications such as very early rupture of membranes leading to chorioamnionitis and life-threatening sepsis, patients near death with life-threatening bleeding, those who were desperate to have an abortion but could not afford it and tried to accomplish this outside our medical system resulting in life-threatening injury/infection, and many other serious pregnancy complications requiring immediate intervention to save lives. As an island state thousands of miles from the mainland, we need to continue to provide Women's Healthcare excellence in Hawaii.

I am grateful that we have been able to appropriately care for the many pregnancy complications that can arise to save lives and prevent permanent injury - but I am very concerned that other states may now obstruct Hawaii's ability to continue to provide complete and excellent Women's Healthcare which includes access to abortion care.

I strongly urge you to pass SB1 SD1.

Mahalo for supporting the health of Hawaii's Women and Families.

To: Hawaii State Senate Committee on Judiciary

Hearing Date/Time: Wednesday, February 23, 2023, 9:45am

Place: Hawaii State Capitol, CR 016 & Videoconference

Re: Judith Ann Armstrong is in strong support of SB1 authorization of licensed physician assistants to provide abortion care.

Dear Members of the Committee on Judiciary Committee,

I, Judith Ann Armstrong, am in strong support of S1 Relating to reproductive healthcare.

Hawaii has been a leader in recognizing the importance of protecting reproductive rights. However, following the recent U.S. Supreme Court decision *Dobbs v Jackson, Women's Health Organization* which overturned *Roe v Wade*, an increasing number of states have been passing legislation restricting access to abortion within their state. It is imperative that Hawaii formalize protection for access to abortion services. Protecting access to abortion necessitates protecting our current healthcare and abortion care workforce.

Thank you for this opportunity to testify in support of SB1.

Sincerely,

Judith Ann Armstrong

**SB-1-SD-1**

Submitted on: 2/22/2023 11:03:20 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Christilei Hessler	Individual	Support	Written Testimony Only

Comments:

I SUPPORT.

This bill is necessary to protect essential rights for access to abortion care for everyone in Hawaii, including minors, and provides robust protections for patients and providers to keep them from being subject to out of state laws and penalties. It will, in short, help return Hawaii to the Roe era.

**SB-1-SD-1**

Submitted on: 2/22/2023 12:41:13 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Minister, Hector Hoyos (aka) SisterFace	Individual	Support	Written Testimony Only

Comments:

Loudly Support!

This is the right thing for a woman to feel safe & able, protected, Mahalo's

**SB-1-SD-1**

Submitted on: 2/22/2023 1:16:01 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shani Ma	Individual	Support	Written Testimony Only

Comments:

I support.

**SB-1-SD-1**

Submitted on: 2/22/2023 1:28:19 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Evelyn	Individual	Support	Written Testimony Only

Comments:

**Hello. I am Evelyn Cody. I am a high school student. I am testifying in support of SB1. Recently, other states have been passing controversial laws on abortion, such as Texas' six-week abortion ban. These laws have brought the issue of abortion into the spotlight. When I say "The issue of abortion" I am referring to a lack of safe, accessible, and affordable abortion. Abortion is a fundamental right for people.**

**The first thing to note about abortion is quite simply that it will not go away. Legislation can be passed to make things illegal, but as shown with many laws, for example, regarding drugs, people still engage in illegal activities. Banning abortion will simply ban safe abortions. Already, thousands of women die every year from unsafe abortions, and if laws like SB1 that protect legal and safe abortions do not pass, even more, will die.**

**SB1 is also a particularly important law because it clarifies and defines what abortion is, which allows for better and more clear decisions in the future.**

**Furthermore, SB1 prevents the state from taking action against people who assist in abortions, which will make abortions more accessible. Not getting a needed abortion will disadvantage these people even further, creating more mouths to feed and the costly expense of hospital bills that come with a new baby. An inability to access abortion is an issue that when unaddressed, will continue the cycle of poverty for people.**

**In conclusion, SB1 is needed to protect the right to abortion. It will save the lives of mothers, and quite simply, people should have the right to decide for themselves what they do with their bodies.**

**Thank you for your time,**

**-Evelyn Cody**

**SB-1-SD-1**

Submitted on: 2/22/2023 1:28:42 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lucia Xiong	Individual	Support	Written Testimony Only

Comments:

I am an OB/GYN in training on Oahu, Hawaii, and I know firsthand the importance of access to abortion care in not only promoting the wellbeing of Hawaii's families, but in reducing pregnancy-related illness and death.

SB1 provides critical and timely protections to prevent legal actions against our healthcare providers and patients in Hawaii, from other states who seek to impose their punitive abortion laws on abortion care legally provided in Hawaii.

Lawmakers in conservative states have threatened to introduce bills to penalize abortion care provided in Hawaii, by threats of civil law suits, criminal prosecution, disciplinary action against healthcare providers, for performing abortion services that are fully legal in Hawaii.

SB1 properly reinforces that such hostile laws by foreign states are contrary to the public policy and state constitutional right of privacy in Hawaii.

I think of a patient I once took care of a patient from another state who needed an abortion due to previable premature rupture of membranes at 17 weeks. Without legal protection, I could be prosecuted by the outside states where abortion is illegal.

I urge you to pass SB 1 to protect providers in Hawai'i.





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**JAPANESE AMERICAN CITIZENS LEAGUE**  
**HONOLULU CHAPTER**  
**P.O. BOX 1291, HONOLULU, HAWAI‘I 96807**  
**EMAIL: [jaclhon@gmail.com](mailto:jaclhon@gmail.com) WEBSITE: [www.jaclhonolulu.org](http://www.jaclhonolulu.org)**  
*Working For A Greater America*

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**Board Members**

February 22, 2023

Minda K. Yamaga  
President

**To:** Committee Chair Karl Rhoads  
Members of the Senate Committee on Judiciary

Shawn L.M. Benton  
2<sup>nd</sup> Vice President

**From:** Minda Yamaga  
President, Japanese American Citizens League – Honolulu Chapter

Geoff J. Sogi  
Treasurer

**Re: SUPPORT OF S.B. 1, S.D. 1, RELATING TO HEALTHCARE**

Brandon M. Kimura  
Secretary

Chair Rhoads and Members of the Committee:

Susan L. Arnett

The Japanese American Citizens League (JACL) is the oldest Asian civil rights organization in our country. We seek to protect and defend the rights of all persons.

Alphonso Braggs

Liann Y. Ebesugawa

S.B. 1 proposes updates to Hawai‘i’s abortion statutes by allowing licensed physician assistants and licensed advanced practice registered nurses to perform abortions, provide additional protection for medical providers who perform abortions, and strengthen and protect inclusive access to abortion and sexual and reproductive health care for all persons.

David M. Forman

Sean Ibara

Jacce Mikulanec

Trisha Y. Nakamura

An individual’s right to make reproductive health decisions is unequivocally a civil right. The United States Supreme Court’s recent decision in *Dobbs v. Jackson Women’s Health Organization* paved the way for states to propose or enact restrictions on individual’s right to reproductive freedoms through civil and criminal penalties. JACL decried this heinous decision and recognized the impact not only to cisgender women but the trans community, communities of color, and many others who are affected by systemic oppression and rely upon rights not explicitly granted in the constitution.

Logan Narikawa

**Legal Counsel**

Benjamin Kudo

**Advisory Council**

Allicyn Hikida-  
Tasaka

This ruling marked a dark turn in our nation’s history, and further drives home the point that women and those with female reproductive organs remain second-class citizens. Given this backdrop, protecting Hawai‘i’s proud civil rights history through enactment of laws such S.B. 1 is critical to effectively reverse and prevent the potential impacts that the *Dobbs* decision would otherwise have on our State.

Clayton Ikei

William Kaneko

Colbert Matsumoto

Alan Murakami

Signed,

Minda K. Yamaga  
President

JACL Honolulu Chapter

**SB-1-SD-1**

Submitted on: 2/22/2023 7:06:28 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nikos Leverenz	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and Committee Members:

I write in strong support of SB 1, SD 1, which expands access to reproductive health care services, including abortion care, in our state. This measure also limits cooperation with other states in investigations, proceedings, or warrants involving the provision of reproductive health care services in Hawaii.

An individual's right to access reproductive health care services, including but not limited to abortion care, should also be expressly protected in our state constitution.

Mahalo for the opportunity to provide testimony.

**SB-1-SD-1**

Submitted on: 2/22/2023 11:31:58 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Barbara J. Service	Individual	Support	Written Testimony Only

Comments:

Please pass SB1 to safeguard abortion access and protect providers.

Mahalo for the opportunity to testify!

Barbara J. Service MSW (ret.)

Child Welfare Supervisor

Kupuna Advocate

**SB-1-SD-1**

Submitted on: 2/23/2023 5:58:56 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nancy Yang	Individual	Support	Written Testimony Only

Comments:

I am an OBGYN in training and I fully support SB1