
A BILL FOR AN ACT

RELATING TO HEALTH CARE.

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

1 SECTION 1. The legislature finds that the people of Hawaii
2 have a long tradition of protecting an individual's right to
3 privacy and bodily autonomy independently of, and more broadly
4 than, the federal constitution. In 1970, the State became the
5 first state in the nation to legalize abortion with the
6 enactment of Act 1, Session Laws of Hawaii 1970. In 1978, the
7 1978 Hawaii State Constitutional Convention proposed, and the
8 electorate approved, an amendment to explicitly codify the right
9 to privacy in article I, section 6, of the Hawaii State
10 Constitution. In 2006, the legislature took one of its
11 constitutionally required affirmative steps to implement the
12 right to privacy by passing Act 35, Session Laws of Hawaii 2006,
13 which established that the State shall not deny or interfere
14 with a pregnant person's right to choose or obtain an abortion
15 of a nonviable fetus or an abortion that is necessary to protect
16 a pregnant person's life or health. Act 35 also removed the



1 outdated requirement that individuals who seek an abortion be a
2 Hawaii resident for at least ninety days.

3 However, the legislature further finds that existing
4 developments in the legal landscape threaten the State's policy
5 to protect an individual's right to privacy and personal
6 autonomy over one's body within state boundaries. In June 2022,
7 the Supreme Court of the United States held in *Dobbs v. Jackson*
8 *Women's Health Organization*, 142 S.Ct. 2228 (2022), that the
9 United States Constitution does not confer a right to an
10 abortion. *Dobbs* overrules *Roe v. Wade*, 410 U.S. 113 (1973), and
11 *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505
12 U.S. 833 (1992), and the nearly fifty years of federal precedent
13 regarding reproductive rights. The impact of *Dobbs* has resulted
14 in many states either banning or severely restricting access to
15 abortion. Additionally, some states are pursuing laws or
16 policies purporting to impose civil or criminal liability or
17 professional discipline in connection with the provision or
18 receipt of, or assistance with, reproductive health care
19 services outside of these states' borders.

20 It is the policy of this State that the rights of equality,
21 liberty, and privacy guaranteed under article I, sections 3, 5,



1 and 6, of the Hawaii State Constitution are fundamental rights
2 and that those rights include an individual's right to make
3 reproductive health care decisions about one's own body and to
4 decide whether to bear a child or obtain an abortion. Due to
5 the shifting legal landscape regarding the right to privacy and
6 an individual's bodily autonomy, the legislature finds it is
7 imperative to reiterate and bolster the State's policy to affirm
8 protection of these rights and freedoms within the state
9 boundaries.

10 The purpose of this Act is to bolster the State's policy to
11 protect the right to privacy and bodily autonomy within the
12 boundaries of the State for all individuals, including minors.
13 In-person abortion care is only available on Maui and Oahu.
14 Furthermore, sixty-three per cent of abortions are accomplished
15 with the administration of oral medication.

16 Two medications are commonly used for abortion: misoprostol
17 and mifepristone. The Federal Drug Administration may change
18 approved indications for these medications and the mifepristone
19 supply chain may suffer temporary disruption.

20 Given those possibilities, the State has a responsibility
21 to uphold civil and reproductive rights and may choose to



1 stockpile medication required to facilitate maintaining the
2 status quo on reproductive rights. Other states have adopted
3 laws or implemented policies to stockpile abortifacient
4 medications, including California (to stockpile two hundred
5 fifty thousand doses, New York (to stockpile one hundred fifty
6 thousand doses), Massachusetts, and Washington.

7 The department of health has stockpiled abortifacient
8 medications in the past and can do so again. Mifepristone has a
9 five-year shelf life. This Act requires the department of
10 health to stockpile a one-year supply of mifepristone
11 (approximately one thousand doses) by working with one or more
12 local pharmacies. This Act appropriates \$75,000 for this
13 purpose to be expended by the department of health.

14 SECTION 2. The department of health shall purchase and
15 store a one-year supply of mifepristone, as determined by the
16 department of health. The department of health shall coordinate
17 with one or more pharmacies located in the State to purchase the
18 supply.

19 SECTION 3. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$75,000 or so much



1 thereof as may be necessary for fiscal year 2025-2026 for the
2 purchase of a one-year supply of mifepristone.

3 The sum appropriated shall be expended by the department of
4 health for the purposes of this Act.

5 SECTION 4. This Act shall take effect on July 1, 2025.

6

INTRODUCED BY:

JAN 21 2025



H.B. NO. 866

Report Title:

DOH; Reproductive Health Care; Mifepristone; Stockpile

Description:

Directs the Department of Health to purchase and store a 1 year supply of mifepristone by working with 1 or more pharmacies in the State. Appropriates moneys.

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