

ACT 3

H.B. NO. 576

A Bill for an Act Relating to Health Care.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Hawaii has many qualified licensed health care providers, including advanced practice registered nurses, who can safely and effectively provide abortion care. However, the legislature also finds that Hawaii's current laws restrict any health care provider other than physicians from providing medication or aspiration abortion care. Consequently, numerous Hawaii residents live on an island without, or with limited access to, an abortion care provider.

The legislature further finds that the health and economic security of Hawaii's residents is suffering due to various issues caused by the State's abortion provider shortage, including unnecessary travel, long wait times, high costs, and delays to time-sensitive care. In addition, residents on Kauai, Molokai, Lanai, and the west side of the island of Hawaii do not have access to local physicians who can provide abortion care. These residents are therefore forced to travel long distances to access care, increasing costs for travel, lodging, and childcare. Travel to reach care is an insurmountable barrier for people who already face systemic barriers to health care, including people with low incomes, young people, survivors of intimate partner violence, and people in rural communities. The coronavirus disease 2019 (COVID-19) pandemic has highlighted the existing challenges of the abortion provider shortage and exacerbated current barriers

to care, including making travel to access abortion care exceedingly difficult and potentially risking viral spread of COVID-19.

The legislature also finds that advanced practice registered nurses can safely and effectively provide medication or aspiration abortion care. Studies have found no difference in abortion safety when performed by qualified licensed health care providers other than physicians. Further, numerous health care and professional organizations, including the National Academies of Sciences, Engineering, and Medicine, agree that restricting qualified licensed health care providers from providing medication or aspiration abortion care confers no medical benefit and instead harms patients by limiting access to care.

To improve equitable access to health care, the legislature concludes that allowing licensed advanced practice registered nurses to provide medication or aspiration abortion care would allow residents to stay in the residents' respective communities and safely receive high-quality care with fewer financial and logistical barriers.

Accordingly, the purpose of this Act is to lift the burdensome and medically unnecessary physician-only restriction on performing certain abortion care procedures to ensure that all people in Hawaii can equally access abortion care, no matter their income or where they live, by authorizing licensed advanced practice registered nurses to perform medication or aspiration abortions.

SECTION 2. Chapter 457, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§457- Advanced practice registered nurses; abortions by medication or aspiration; penalties; refusal to perform. (a) Notwithstanding section 453-16 or any other law to the contrary, an advanced practice registered nurse may provide medication or aspiration abortion care in the first trimester of pregnancy, so long as the advanced practice registered nurse:

- (1) Has prescriptive authority;
- (2) Practices within the advanced practice registered nurse's practice specialty;
- (3) Has a valid, unencumbered license obtained in accordance with this chapter; and
- (4) The aspiration abortion is performed in a hospital licensed by the department of health or operated by the federal government or an agency thereof, or in a clinic or advance practice registered nurse's office.

(b) Abortion shall mean an intentional termination of the pregnancy of a nonviable fetus. The termination of a pregnancy of a viable fetus is not included in this section.

(c) 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.

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

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

SECTION 3. New statutory material is underscored.¹

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

(Approved April 12, 2021.)

Note

1. Edited pursuant to HRS §23G-16.5.