
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that all women in Hawaii,
2 regardless of income, should have meaningful access to effective
3 reproductive health services. Public programs providing
4 insurance coverage and direct services for reproductive health
5 care and counseling to eligible, low-income women are currently
6 available through the department of health and department of
7 human services.

8 Thousands of women in Hawaii are in need of publicly-funded
9 family planning services, contraception services and education,
10 abortion services, prenatal care, and birth-related services.

11 In 2010, sixteen thousand women in Hawaii experienced an
12 unintended pregnancy, which can carry enormous social and
13 economic costs to both individual families and to the State.
14 Many women in Hawaii, however, remain unaware of the public
15 programs available to provide them with contraception, health
16 education and counseling, family planning, prenatal care,
17 abortion, and birth-related services.



1 Because family planning decisions are time sensitive and
2 care early in pregnancy is important, Hawaii must make every
3 possible effort to advise women of all available reproductive
4 health programs. In Hawaii, low-income women can receive
5 immediate access to free or low-cost comprehensive family
6 planning services and pregnancy-related care through Med-QUEST
7 and the department of health's family planning program.
8 Providers who contract with these programs are able to
9 immediately enroll patients in these programs at the time of a
10 health center visit.

11 Requiring facilities that provide pregnancy- or family
12 planning-related services to provide accurate health information
13 and to inform clients of the availability of and enrollment
14 procedures for reproductive health programs will help ensure
15 that all women in the State can quickly obtain the information
16 and services that they need to make and implement informed,
17 timely, and personally appropriate reproductive health
18 decisions.

19 The purpose of this Act is to ensure that women in Hawaii
20 are able to make personal reproductive health decisions with



1 full and accurate information regarding their rights to access
2 the full range of health care services that are available.

3 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
4 amended by adding two new sections to be appropriately
5 designated and to read as follows:

6 "§321-A Limited service pregnancy centers; notice of
7 reproductive health services. (a) For purposes of this
8 section, "limited service pregnancy center" or "center" means a
9 facility that:

10 (1) Advertises or solicits clients or patients with offers
11 to provide prenatal sonography, pregnancy tests, or
12 pregnancy options counseling;

13 (2) Collects health information from clients or patients;
14 and

15 (3) Provides family planning or pregnancy-related
16 services, including but not limited to obstetric
17 ultrasound, obstetric sonogram, pregnancy testing,
18 pregnancy diagnosis, reproductive health counseling,
19 or prenatal care.

20 (b) Every limited service pregnancy center in the State
21 shall disseminate on-site to clients or patients the following



1 written notice in English and in other languages as required by
2 section 321C-3:

3 "Hawaii has public programs that provide immediate free or
4 low-cost access to comprehensive family planning services, all
5 FDA-approved methods of contraception, prenatal care, and
6 abortion for eligible women. To apply for medical insurance
7 coverage that will cover the full range of family planning and
8 prenatal care services, contact the appropriate Med-QUEST
9 division eligibility office or apply on-line at
10 mybenefits.hawaii.gov. Only ultrasounds performed by qualified
11 healthcare professionals and read by licensed clinicians should
12 be considered medically accurate."

13 The notice shall contain the internet address for online
14 medical assistance applications and the statewide phone number
15 for medical assistance applications.

16 (c) The information required by subsection (b) shall be
17 disclosed in at least one of the following ways:

18 (1) A public notice on a sign sized at least eight and
19 one-half inches by eleven inches, written in no less
20 than twenty-two point type, and posted in a clear and
21 conspicuous place within the center's waiting area so



1 that it may be easily read by individuals seeking
2 services from the center; or
3 (2) A printed or digital notice written or rendered in no
4 less than fourteen point type that is distributed
5 individually to each patient or client at the time of
6 check-in for services; provided that a printed notice
7 shall be available to all individuals who cannot or do
8 not wish to receive the notice in a digital format.
9 (d) No limited service pregnancy center that collects
10 health information from any individual seeking or receiving its
11 services shall disclose any individually identifiable health
12 information to any other person, entity, or organization without
13 express written authorization from the subject individual. Any
14 disclosure made under this section shall be limited by the
15 express terms of the written authorization and all applicable
16 state and federal laws and regulations, including the federal
17 Health Insurance Portability and Accountability Act of 1996 and
18 title 45 Code of Federal Regulations part 164.
19 (e) A limited service pregnancy center that provides or
20 assists in the provision of pregnancy testing shall provide the
21 individual tested with a free written statement of the results



1 of the pregnancy test, in English and in any other language
2 required by section 321C-3, immediately after the test is
3 completed.

4 (f) Upon receipt of a written request from an individual
5 to examine or copy all or part of the individual's recorded
6 health information or other information retained by a limited
7 service pregnancy center, the center shall, promptly as required
8 under the circumstances but in no case later than fifteen
9 working days after receiving the request:

10 (1) Make the information available for examination by the
11 individual during regular business hours;

12 (2) Provide a free copy to the individual, if requested;

13 (3) Inform the individual if the information does not
14 exist or cannot be found; and

15 (4) If the center does not maintain the record or
16 information, inform the individual of that fact and
17 provide the name and address of the entity that
18 maintains the record or information.

19 §321-B Limited service pregnancy centers; enforcement;
20 private right of action. (a) A limited service pregnancy
21 center that violates section 321-A shall be liable for a civil



1 penalty of \$500 for a first offense and \$1,000 for each
2 subsequent offense. If the center is provided with reasonable
3 notice of noncompliance, which informs the center that it is
4 subject to a civil penalty if it does not correct the violation
5 within thirty days from the date the notice is sent to the
6 center, and the violation is not corrected as of the expiration
7 of the thirty-day notice period, the attorney general may bring
8 an action in the district court of the district in which the
9 center is located to enforce this section.

10 A civil penalty imposed pursuant to this subsection shall
11 be deposited to the credit of the general fund.

12 (b) Any person who is aggrieved by a limited service
13 pregnancy center's violation of section 321-A may bring a civil
14 action against the limited service pregnancy center in the
15 district court of the district in which the center is located to
16 enjoin further violations and to recover actual damages
17 sustained together with the costs of the suit including
18 reasonable attorneys' fees. The court may, in its discretion,
19 increase the award of damages to an amount not to exceed three
20 times the actual damages sustained. If damages are awarded
21 pursuant to this subsection, the court may, in its discretion,



1 impose on a liable center a civil fine of not more than \$1,000
2 to be paid to the plaintiff.

3 A party seeking civil damages under this subsection may
4 recover upon proof of a violation by a preponderance of the
5 evidence.

6 For the purposes of this subsection, "person" includes a
7 natural or legal person.

8 (c) The enforcement procedure and remedies provided by
9 this section shall be in addition to any other procedure or
10 remedy that may be available to the State or a person aggrieved
11 by a violation of this chapter."

12 SECTION 3. In codifying the new sections added by section
13 2 of this Act, the revisor of statutes shall substitute
14 appropriate section numbers for the letters used in designating
15 the new sections in this Act.

16 SECTION 4. If any provision of this Act, or the
17 application thereof to any person or circumstance, is held
18 invalid, the invalidity does not affect other provisions or
19 applications of the Act that can be given effect without the
20 invalid provision or application, and to this end the provisions
21 of this Act are severable.



- 1 SECTION 5. New statutory material is underscored.
- 2 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Limited Service Pregnancy Centers; Disclosures; Privacy; Remedy

Description:

Requires all limited service pregnancy centers to disclose the availability of and enrollment information for reproductive health services. Establishes privacy and disclosure requirements for individual records and information. Authorizes civil penalties and civil actions for enforcement and remedy.
(SB501 HD1)

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