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

9 The legislature further finds that the health and economic
10 security of Hawaii's residents is suffering due to various
11 issues caused by the State's abortion provider shortage,
12 including unnecessary travel, long wait times, high costs, and
13 delays to time-sensitive care. In addition, residents on Kauai,
14 Molokai, Lanai, and the west side of the island of Hawaii do not
15 have access to local physicians who can provide abortion care.
16 These residents are therefore forced to travel long distances to
17 access care, increasing costs for travel, lodging, and



1 childcare. Travel to reach care is an insurmountable barrier
2 for people who already face systemic barriers to health care,
3 including people with low incomes, young people, survivors of
4 intimate partner violence, and people in rural communities. The
5 coronavirus disease 2019 (COVID-19) pandemic has highlighted the
6 existing challenges of the abortion provider shortage and
7 exacerbated current barriers to care, including making travel to
8 access abortion care exceedingly difficult and potentially
9 risking viral spread of COVID-19.

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



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

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

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

17 **"§457-_____ Advanced practice registered nurses; abortions**
18 **by medication or aspiration; penalties; refusal to perform.** (a)
19 **Notwithstanding any other law to the contrary, an advanced**
20 **practice registered nurse may provide medication or aspiration**



1 abortion care in the first trimester of pregnancy, so long as
2 the advanced practice registered nurse:

3 (1) Has prescriptive authority;

4 (2) Practices within the advanced practice registered
5 nurse's practice specialty;

6 (3) Has a valid, unencumbered license obtained in
7 accordance with this chapter; and

8 (4) The aspiration abortion is performed in a hospital
9 licensed by the department of health or operated by
10 the federal government or an agency thereof, or in a
11 clinic or advance practice registered nurse's office.

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

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

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



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

4 SECTION 3. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on July 1, 2060.



Report Title:

Aspiration Abortions; Advanced Practice Registered Nurses; Scope of Practice

Description:

Authorizes advanced practice registered nurses to perform medication or aspiration abortions. Effective 7/1/2060. (HD2)

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