

MAR 12 2021

SENATE CONCURRENT RESOLUTION

REQUESTING PHYSICIANS AND SURGEONS IN THE STATE TO TAKE
APPROPRIATE STEPS TO PROTECT THE LIFE, HEALTH, AND WELFARE
OF INFANTS BORN ALIVE, EVEN AFTER AN ATTEMPTED ABORTION.

1 WHEREAS, the State has a paramount interest in protecting
2 all human life; and
3

4 WHEREAS, any infant born alive, even after an attempted
5 abortion, is a legal person for all purposes under the United
6 States Constitution, Constitution of the State of Hawaii, and
7 other federal and state laws; and
8

9 WHEREAS, nationwide, nearly six thousand abortions
10 reportedly occurred after twenty weeks of gestation, a time
11 during which a fetus could be viable; and
12

13 WHEREAS, according to Canadian statistics, four hundred
14 ninety-one live births occurred over a nine-year period that
15 resulted in subsequent neonatal deaths after an attempted
16 abortion; and
17

18 WHEREAS, newborn infants who have unexpectedly survived an
19 abortion procedure should not be denied appropriate life-saving
20 or life-sustaining medical care and treatment and should not be
21 left to die; and
22

23 WHEREAS, protecting an infant whose live birth occurred in
24 spite of an attempted abortion does not infringe on a woman's
25 right to choose or obtain an abortion under existing federal or
26 state law, or interfere with the ability of licensed health care
27 professionals to provide legal abortions; now, therefore,
28

29 BE IT RESOLVED by the Senate of the Thirty-first
30 Legislature of the State of Hawaii, Regular Session of 2021, the



1 House of Representatives concurring, that each licensed
2 physician and surgeon, including each licensed osteopathic
3 physician and surgeon, in the State is requested to ensure that
4 no infant born alive from a woman under the care of the
5 physician or surgeon is denied or deprived of:

6
7 (1) Nourishment in a manner that would cause or allow the
8 death of the infant; or

9
10 (2) Medically appropriate and reasonable medical care and
11 treatment or surgical care; provided that no physician
12 or surgeon is requested to provide medical treatment
13 or surgical care that:

14 (A) Is not necessary to save the life of the infant;

15 (B) Has a potential risk of harm to the infant's life
16 or health that outweighs the potential benefit to
17 the infant of the treatment or care; or

18 (C) Will do no more than temporarily prolong the act
19 of dying, as in the case of non-viable infant,
20 when death is imminent; and

21
22 BE IT FURTHER RESOLVED that if an abortion has been
23 performed but the infant is nonetheless born alive, the
24 physician or surgeon who performed the abortion is requested:

25 (1) To inform or direct another healthcare provider to
26 inform the mother of the live birth;

27 (2) To treat the infant as a legal person under the laws
28 of the State;

29 (3) To ensure or direct another healthcare provider to
30 ensure the transfer of the infant to an on-duty
31 resident or emergency care physician who shall provide
32 medically appropriate and reasonable care and
33 treatment to the infant; and

34 (4) If the mother does not wish to maintain custody of the
35 infant, to take necessary steps to ensure the infant's



S.C.R. NO. 182

1 welfare, which may include contacting the Department
2 of Human Services; and

3

4 BE IT FURTHER RESOLVED that certified copies of this
5 Concurrent Resolution be the transmitted to the Director of
6 Human Services and Chairperson of the Hawaii Medical Board, the
7 latter of whom is requested to transmit copies of this measure
8 to each physician, surgeon, osteopathic physician, and
9 osteopathic surgeon who is licensed to practice in the State
10 pursuant to Chapter 453, Hawaii Revised Statutes.

11

12

13

OFFERED BY: *Kurt Ferrelle*

