
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 pregnancy-related services, prenatal care, and birth-related
11 services. In 2010, sixteen thousand women in Hawaii experienced
12 an 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 pregnancy-related, 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":

9 (1) Means a facility that:

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

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

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

20 (2) Shall not include a health care facility. For the
21 purposes of this paragraph, a "health care facility"



1 means any facility designed to provide comprehensive
2 health care, including but not limited to hospitals
3 licensed pursuant to chapter 321, intermediate care
4 facilities, organized ambulatory health care
5 facilities, emergency care facilities and centers,
6 health maintenance organizations, federally qualified
7 health centers, and other facilities providing
8 similarly organized comprehensive health care
9 services.

10 (b) Every limited service pregnancy center in the State
11 shall disseminate on-site to clients or patients the following
12 written notice in English or another language requested by a
13 client or patient:

14 "Hawaii has public programs that provide immediate free or
15 low-cost access to comprehensive family planning services,
16 including, but not limited to, all FDA-approved methods of
17 contraception and pregnancy-related services for eligible women.

18 To apply online for medical insurance coverage, that will
19 cover the full range of family planning and prenatal care
20 services, go to mybenefits.hawaii.gov.



1 Only ultrasounds performed by qualified healthcare
2 professionals and read by licensed clinicians should be
3 considered medically accurate."

4 The notice shall contain the internet address for online
5 medical assistance applications and the statewide phone number
6 for medical assistance applications.

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

9 (1) A public notice on a sign sized at least eight and
10 one-half inches by eleven inches, written in no less
11 than twenty-two point type, and posted in a clear and
12 conspicuous place within the center's waiting area so
13 that it may be easily read by individuals seeking
14 services from the center; or

15 (2) A printed or digital notice written or rendered in no
16 less than fourteen point type that is distributed
17 individually to each patient or client at the time of
18 check-in for services; provided that a printed notice
19 shall be available to all individuals who cannot or do
20 not wish to receive the notice in a digital format.



1 (d) No limited service pregnancy center that collects
2 health information from any individual seeking or receiving its
3 services shall disclose any individually identifiable health
4 information to any other person, entity, or organization without
5 express written authorization from the subject individual. Any
6 disclosure made under this section shall be limited by the
7 express terms of the written authorization and all applicable
8 state and federal laws and regulations, including the federal
9 Health Insurance Portability and Accountability Act of 1996 and
10 title 45 Code of Federal Regulations part 164.

11 (e) A limited service pregnancy center that provides or
12 assists in the provision of pregnancy testing shall provide the
13 individual tested with a free written statement of the results
14 of the pregnancy test in English or another language requested
15 by a client or patient immediately after the test is completed.

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



- 1 (1) Make the information available for examination by the
- 2 individual during regular business hours;
- 3 (2) Provide a free copy to the individual, if requested;
- 4 (3) Inform the individual if the information does not
- 5 exist or cannot be found; and
- 6 (4) If the center does not maintain the record or
- 7 information, inform the individual of that fact and
- 8 provide the name and address of the entity that
- 9 maintains the record or information.

10 **§321-B Limited service pregnancy centers; enforcement;**
11 **private right of action.** (a) A limited service pregnancy
12 center that violates section 321-A shall be liable for a civil
13 penalty of \$500 for a first offense and \$1,000 for each
14 subsequent offense. If the center is provided with reasonable
15 notice of noncompliance, which informs the center that it is
16 subject to a civil penalty if it does not correct the violation
17 within thirty days from the date the notice is sent to the
18 center, and the violation is not corrected as of the expiration
19 of the thirty-day notice period, the attorney general may bring
20 an action in the district court of the district in which the
21 center is located to enforce this section.



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

3 (b) Any person who is aggrieved by a limited service
4 pregnancy center's violation of section 321-A may bring a civil
5 action against the limited service pregnancy center in the
6 district court of the district in which the center is located to
7 enjoin further violations and to recover actual damages
8 sustained together with the costs of the suit including
9 reasonable attorneys' fees. The court may, in its discretion,
10 increase the award of damages to an amount not to exceed three
11 times the actual damages sustained. If damages are awarded
12 pursuant to this subsection, the court may, in its discretion,
13 impose on a liable center a civil fine of not more than \$1,000
14 to be paid to the plaintiff.

15 A party seeking civil damages under this subsection may
16 recover upon proof of a violation by a preponderance of the
17 evidence.

18 For the purposes of this subsection, "person" includes a
19 natural or legal person.

20 (c) The enforcement procedure and remedies provided by
21 this section shall be in addition to any other procedure or



1 remedy that may be available to the State or a person aggrieved
2 by a violation of this chapter.

3 (d) This section and section 321-A are not intended to
4 require regulation or oversight of limited service pregnancy
5 centers by the department of health."

6 SECTION 3. In codifying the new sections added by section
7 2 of this Act, the revisor of statutes shall substitute
8 appropriate section numbers for the letters used in designating
9 the new sections in this Act.

10 SECTION 4. If any provision of this Act, or the
11 application thereof to any person or circumstance, is held
12 invalid, the invalidity does not affect other provisions or
13 applications of the Act that can be given effect without the
14 invalid provision or application, and to this end the provisions
15 of this Act are severable.

16 SECTION 5. New statutory material is underscored.

17 SECTION 6. This Act shall take effect upon its approval.



S.B. NO. 501
S.D. 1
H.D. 2
C.D. 1

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. Defines limited service pregnancy center. Establishes privacy and disclosure requirements for individual records and information. Authorizes civil penalties and civil actions for enforcement and remedy. (CD1)

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