

STAND. COM. REP. NO.

889

Honolulu, Hawaii

MAR 01 2019

RE: S.B. No. 415
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Judiciary, to which was referred S.B. No. 415 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to authorize advanced practice registered nurses to perform aspiration abortions.

Your Committees received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, American Association of University Women of Hawaii, Hawai'i Section of the American College of Obstetricians and Gynecologists, Planned Parenthood Votes Northwest and Hawaii, Save Medicaid Hawaii, Healthy Mothers Healthy Babies, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, LGBT Caucus of the Democratic Party of Hawaii, ACLU Hawai'i, over twenty individuals, and a form letter signed by ninety-eight individuals. Your Committees received testimony in opposition to this measure from the Honolulu County Republican Party, Hawaii Family Forum, One Love Ministries, and over eighty individuals. Your Committees received comments on this measure from the Board of Nursing and Hawai'i State Center for Nursing.

Your Committees find that Hawaii is experiencing a critical physician shortage, especially in rural areas. Existing law



prohibits anyone other than a physician or surgeon or an osteopathic physician and surgeon from providing aspiration abortions, a common procedure for surgically terminating an abortion in the first trimester. For those in rural or underserved communities, traveling to another island or county due to existing restrictions creates excessive barriers that may mean they are not able to access legal abortion at all.

According to testimony received by your Committees, a 2018 review by the National Academies of Sciences, Engineering, and Medicine examined and compared the outcomes of abortions provided by physicians with those provided by nurse practitioners and other advanced practice clinicians. This review concluded that advanced practice registered nurses are just as capable of providing safe and effective abortion care as physicians and surgeons when the advanced practice registered nurses have received proper training.

Your Committees additionally note that many women routinely receive well-women care from advanced practice registered nurses who are considered primary care providers in Hawaii and are qualified to safely perform the procedures contemplated by this measure. Abortion is already permitted in the State, and this measure significantly improves access to comprehensive reproductive health care.

Your Committees have amended this measure by:

- (1) Specifying in the nurse practice act that advanced practice registered nurses with prescriptive authority, and who meet other specific qualifications, may perform abortions by medication or aspiration;
- (2) Clarifying that advanced practice registered nurses shall only perform abortions by medication or aspiration;
- (3) Specifying that no abortion shall be performed in the State unless the abortion is performed by specific licensed health care providers acting within the licensed health care providers' lawful scopes of practice;
- (4) Removing excessive criminal penalties;



- (5) Specifying that individual health care providers, but not hospitals, are permitted to opt out of providing abortions, as permitting entire hospitals to opt out creates a significant barrier to women seeking abortions;
- (6) Preserving an individual's ability for refusal to participate in an abortion or be liable for such refusal, as long as the person provides prior written notice and the refusal does not cause a serious risk to another person's health or life; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 415, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 415, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Commerce,
Consumer Protection, and Health
and Judiciary,



KARL RHOADS, Chair



ROSALYN H. BAKER, Chair



