

MAR 12 2021

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# SENATE 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

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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

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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

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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

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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

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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,

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29           BE IT RESOLVED by the Senate of the Thirty-first  
30 Legislature of the State of Hawaii, Regular Session of 2021,  
31 that each licensed physician and surgeon, including each  
32 licensed osteopathic physician and surgeon, in the State is



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1 requested to ensure that no infant born alive from a woman under  
2 the care of the physician or surgeon is denied or deprived of:

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- 4 (1) Nourishment in a manner that would cause or allow the  
5 death of the infant; or
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- 7 (2) Medically appropriate and reasonable medical care and  
8 treatment or surgical care; provided that no physician  
9 or surgeon is requested to provide medical treatment  
10 or surgical care that:
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- 12 (A) Is not necessary to save the life of the infant;
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- 14 (B) Has a potential risk of harm to the infant's life  
15 or health that outweighs the potential benefit to  
16 the infant of the treatment or care; or
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- 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
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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:

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- 26 (1) To inform or direct another healthcare provider to  
27 inform the mother of the live birth;
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- 29 (2) To treat the infant as a legal person under the laws  
30 of the State;
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- 32 (3) To ensure or direct another healthcare provider to  
33 ensure the transfer of the infant to an on-duty  
34 resident or emergency care physician who shall provide  
35 medically appropriate and reasonable care and  
36 treatment to the infant; and
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- 38 (4) If the mother does not wish to maintain custody of the  
39 infant, to take necessary steps to ensure the infant's  
40 welfare, which may include contacting the Department  
41 of Human Services; and
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1 BE IT FURTHER RESOLVED that certified copies of this  
2 Resolution be the transmitted to the Director of Human Services  
3 and Chairperson of the Hawaii Medical Board, the latter of whom  
4 is requested to transmit copies of this measure to each  
5 physician, surgeon, osteopathic physician, and osteopathic  
6 surgeon who is licensed to practice in the State pursuant to  
7 Chapter 453, Hawaii Revised Statutes.

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OFFERED BY: *Kurt Ferella*

