



GOV. MSG. NO. 1103

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

April 12, 2021

The Honorable Ronald D. Kouchi,  
President of the Senate  
and Members of the Senate  
Thirty-First State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty-First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on April 12, 2021, the following bill was signed into law:

HB576 HD3

RELATING TO HEALTH CARE  
**ACT 003 (21)**

Sincerely,

David Y. Ige  
Governor, State of Hawai'i

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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 section 453-16 or any other law to the contrary,**  
20 **an advanced practice registered nurse may provide medication or**



1 aspiration abortion care in the first trimester of pregnancy, so  
2 long as 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 no more than \$1,000 or imprisoned no 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 upon its approval.

APPROVED this 12 day of AUG, 2021



GOVERNOR OF THE STATE OF HAWAII



HB No. 576, HD 3

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: March 9, 2021  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: **MAR 29 2021**  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the Senate of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Ronald D. Kouchi  
President of the Senate



Carol T. Taniguchi  
Clerk of the Senate