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# A BILL FOR AN ACT

RELATING TO REPRODUCTIVE HEALTH CARE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the people of Hawaii  
2 have a long tradition of protecting an individual's right to  
3 privacy and bodily autonomy independently of, and more broadly  
4 than, the federal constitution. In 1970, the State became the  
5 first state in the nation to decriminalize abortion with the  
6 enactment of Act 1, Session Laws of Hawaii 1970. In 1978, the  
7 1978 Hawaii State Constitutional Convention proposed, and the  
8 electorate approved, an amendment to explicitly codify the right  
9 to privacy in article I, section 6 of the Hawaii State  
10 Constitution. In 2006, the legislature took one of its  
11 constitutionally required affirmative steps to implement the  
12 right to privacy by passing Act 35, Session Laws of Hawaii 2006,  
13 which established that the State shall not deny or interfere  
14 with a pregnant person's right to choose or obtain an abortion  
15 of a nonviable fetus or an abortion that is necessary to protect  
16 a pregnant person's life or health. Act 35 also removed the



1 outdated requirement that individuals who seek an abortion be a  
2 Hawaii resident for at least ninety days.

3       However, the legislature further finds that existing  
4 developments in the legal landscape threaten the State's policy  
5 to protect an individual's right to privacy and personal  
6 autonomy over their body within state boundaries. In June 2022,  
7 the Supreme Court of the United States held in *Dobbs v. Jackson*  
8 *Women's Health Organization*, 142 S.Ct. 2228 (2022), that the  
9 United States Constitution does not confer a right to an  
10 abortion. *Dobbs* overrules *Roe v. Wade*, 410 U.S. 113 (1973), and  
11 *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505  
12 U.S. 833 (1992), and the nearly fifty years of federal precedent  
13 regarding reproductive rights. The impact of *Dobbs* has resulted  
14 in many states either banning or severely restricting access to  
15 abortion. Additionally, some states are pursuing laws or  
16 policies purporting to impose civil or criminal liability or  
17 professional discipline in connection with the provision or  
18 receipt of, or assistance with, reproductive health care  
19 services outside of these states' borders.

20       It is the policy of this State that the rights of equality,  
21 liberty, and privacy guaranteed under article I, sections 3, 5,



1 and 6, of the Hawaii State Constitution are fundamental rights  
2 and that those rights include an individual's right to make  
3 reproductive health care decisions about one's own body and to  
4 decide whether to bear a child or obtain an abortion. Due to  
5 the shifting legal landscape regarding the right to privacy and  
6 an individual's bodily autonomy, the legislature finds it is  
7 imperative to reiterate and bolster the State's policy to affirm  
8 protection of these rights and freedoms within the state  
9 boundaries. The previous governor initiated this process by  
10 issuing Executive Order 22-5 on October 11, 2022, which outlined  
11 the governor's policy to limit cooperation with other states in  
12 investigations, proceedings, or warrants involving the provision  
13 of reproductive health care services in the State, provided that  
14 the provision of the reproductive health care service is legal  
15 in the State. This Act codifies and expands on that policy.

16 The purpose of this Act is to bolster the State's policy to  
17 protect an individual's right to privacy and bodily autonomy  
18 within the state boundaries.

19 PART I



1 SECTION 2. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4 "CHAPTER

5 REPRODUCTIVE HEALTH CARE SERVICES

6 § -1 Definitions. As used in this chapter, unless the  
7 context otherwise requires:

8 "Person" includes an individual, partnership, joint  
9 venture, corporation, association, business, trust, or any  
10 organized group of persons or legal entity, or any combination  
11 thereof.

12 "Reproductive health care services" includes all medical,  
13 surgical, pharmaceutical, counseling, or referral services  
14 relating to the human reproductive system, including but not  
15 limited to services relating to pregnancy, contraception, or the  
16 termination of a pregnancy.

17 § -2 Disclosures prohibited. (a) Except as provided in  
18 rules 504, 504.1, and 505.5 of the Hawaii rules of evidence and  
19 subsection (b), in any civil action or any proceeding  
20 preliminary thereto or in any probate, legislative, or  
21 administrative proceeding, no covered entity, as defined in



1 title 45 Code of Federal Regulations section 160.103, shall  
2 disclose:

3 (1) Any communication made to the covered entity, or any  
4 information obtained by the covered entity from a  
5 patient or the conservator, guardian, or other  
6 authorized legal representative of a patient relating  
7 to reproductive health care services that are  
8 permitted under the laws of the State; or

9 (2) Any information obtained by personal examination of a  
10 patient relating to reproductive health care services  
11 that are permitted under the laws of the State,  
12 unless the patient or that patient's conservator, guardian, or  
13 other authorized legal representative explicitly consents to the  
14 disclosure in writing in the form of a release of protected  
15 health information compliant with the federal Health Insurance  
16 Portability and Accountability Act of 1996, P.L. 104-191, as  
17 amended. A covered entity shall inform the patient or the  
18 patient's conservator, guardian, or other authorized legal  
19 representative of the patient's right to withhold the written  
20 consent.



1 (b) Written consent of the patient or the patient's  
2 conservator, guardian, or other authorized legal representative  
3 shall not be required for the disclosure of the communication or  
4 information:

5 (1) If the records relate to a patient who is a plaintiff  
6 in a complaint pending before a court of competent  
7 jurisdiction alleging health care negligence and a  
8 request for records has been served on a named  
9 defendant in that litigation;

10 (2) If the records are requested by a licensing authority,  
11 as defined in section 436B-2, and the request is made  
12 in connection with an investigation of a complaint to  
13 the licensing authority and the records are related to  
14 the complaint, unless the complaint is made solely on  
15 the basis that the licensee, acting within the  
16 licensee's scope of practice, provided reproductive  
17 health care services that are lawful in this State;

18 (3) To the director of health for records of a patient of  
19 a covered entity in connection with an investigation  
20 of a complaint, if the records are related to the  
21 complaint; or



1 (4) If child abuse, abuse of an individual who is sixty  
2 years of age or older, abuse of an individual who is  
3 physically disabled or incompetent, or abuse of an  
4 individual with intellectual disability is known or in  
5 good faith suspected.

6 (c) Nothing in this section shall be construed to impede  
7 the lawful sharing of medical records as permitted by state or  
8 federal law or the rules of the court, except in the case of a  
9 subpoena commanding the production, copying, or inspection of  
10 medical records relating to reproductive health care services.

11 **§ -3 Subpoenas; when allowed.** Notwithstanding sections  
12 624-27 and 624D-3 or any other law to the contrary, no court or  
13 clerk of a court shall order the issuance of a subpoena  
14 requested by an officer, appointed according to the laws or  
15 usages of another state or government, or by any court of the  
16 United States or of another state or government, in connection  
17 with an out-of-state proceeding relating to reproductive health  
18 care services legally performed in the State.

19 **§ -4 Agencies prohibited from providing information or**  
20 **expending resources.** (a) No agency, as defined in section  
21 92F-3, or employee, appointee, officer, official, or any other



1 person acting on behalf of an agency shall provide any  
2 information or expend or use time, money, facilities, property,  
3 equipment, personnel, or other resources in furtherance of any  
4 interstate investigation or proceeding seeking to impose civil  
5 or criminal liability upon a person or entity for:

6 (1) The provision, seeking, or receipt of or inquiring  
7 about reproductive health care services that are legal  
8 in the State; or

9 (2) Assisting any person or entity providing, seeking,  
10 receiving, or responding to an inquiry about  
11 reproductive health care services that are legal in  
12 the State.

13 (b) This section shall not apply to any investigation or  
14 proceeding where the conduct subject to potential liability  
15 under the investigation or proceeding would be subject to  
16 liability under the laws of this State if committed in this  
17 State.

18 § -5 Prohibition on state action. The State shall not  
19 penalize, prosecute, or otherwise take adverse action against an  
20 individual based on the individual's actual, potential,  
21 perceived, or alleged pregnancy outcomes. The State shall not





1 penalize, prosecute, or otherwise take adverse action against a  
2 person for aiding or assisting a pregnant individual accessing  
3 reproductive health care services in accordance with the laws of  
4 the State and with the pregnant individual's voluntary consent.

5       **§ -6 Denial of demands for surrender. (a)**

6 Notwithstanding any provision of chapter 832 to the contrary,  
7 the governor shall deny any demand made by the executive  
8 authority of any state for the surrender of any person charged  
9 with a crime under the laws of that state when the alleged crime  
10 involves the provision or receipt of, or assistance with,  
11 reproductive health care services, unless the acts forming the  
12 basis of the prosecution would also constitute a criminal  
13 offense in this State.

14       (b) This section shall not apply if the person who is the  
15 subject of the demand for surrender was physically present in  
16 the requesting state at the time of the commission of the  
17 alleged crime and thereafter fled from that state.

18       **§ -7 Laws contrary to the public policy of this State.**

19 (a) A law of another state authorizing a civil action or  
20 criminal prosecution based on any of the following is declared  
21 to be contrary to the public policy of this State:



- 1 (1) Receiving or seeking reproductive health care
- 2 services;
- 3 (2) Providing reproductive health care services;
- 4 (3) Engaging in conduct that assists or aids or abets the
- 5 provision or receipt of reproductive health care
- 6 services; or
- 7 (4) Attempting or intending to engage in or providing
- 8 material support for (or any other theory of
- 9 vicarious, attempt, joint, several or conspiracy
- 10 liability derived therefrom) conduct described in
- 11 paragraphs (1) to (3).

12 (b) No law described in subsection (a) shall be applied to  
 13 a case or controversy heard in the courts of this State."

14 SECTION 3. Section 836-2, Hawaii Revised Statutes, is  
 15 amended to read as follows:

16 **"§836-2 Summoning witness in this State to testify in**  
 17 **another state.** If a judge of a court of record in any state  
 18 which by its laws has made provision for commanding persons  
 19 within that state to attend and testify in this State certifies  
 20 under the seal of [~~such~~] that court that there is a criminal  
 21 prosecution pending in [~~such~~] that court, or that a grand jury



1 investigation has commenced or is about to commence, that a  
2 person [~~being within~~] in this State is a material witness in  
3 [~~such~~] the prosecution[~~7~~] or grand jury investigation, and that  
4 the person's presence will be required for a specified number of  
5 days, upon presentation of [~~such~~] the certificate to any judge  
6 of a court of record in this State in the judicial district in  
7 which [~~such~~] the person is, [~~such~~] the judge shall fix a time  
8 and place for a hearing, and shall make an order directing the  
9 witness to appear at a time and place certain for the hearing.

10 If at a hearing the judge determines that the witness is  
11 material and necessary, that it will not cause undue hardship to  
12 the witness to be compelled to attend and testify in the  
13 prosecution or a grand jury investigation in the other state,  
14 and that the laws of the state in which the prosecution is  
15 pending, or grand jury investigation has commenced or is about  
16 to commence, and of any other state through which the witness  
17 may be required to pass by ordinary course of travel, will give  
18 to the witness protection from arrest and the service of civil  
19 and criminal process, the judge shall issue a summons, with a  
20 copy of the certificate attached, directing the witness to  
21 attend and testify in the court where the prosecution is



1 pending, or where a grand jury investigation has commenced or is  
2 about to commence at a time and place specified in the  
3 summons[-], except that no judge shall issue a summons in a case  
4 where prosecution is pending, or where a grand jury  
5 investigation has commenced or is about to commence for a  
6 criminal violation of a law of another state involving the  
7 provision or receipt of or assistance with reproductive health  
8 care services as defined in section -1 unless the acts  
9 forming the basis of the prosecution or investigation would also  
10 constitute an offense in this State. In any [such] hearing, the  
11 certificate shall be prima facie evidence of all the facts  
12 stated therein.

13 If [said] the certificate recommends that the witness be  
14 taken into immediate custody and delivered to an officer of the  
15 requesting state to assure the witness' attendance in the  
16 requesting state, [such] the judge may, in lieu of notification  
17 of the hearing, direct that [such] the witness be forthwith  
18 brought before the judge for [said] the hearing; and the judge  
19 at the hearing being satisfied of the desirability of [such] the  
20 custody and delivery, for which determination the certificate  
21 shall be prima facie proof of [such] the desirability may, in



1 lieu of issuing subpoena or summons, order that [said] the  
2 witness be forthwith taken into custody and delivered to an  
3 officer of the requesting state.

4 If the witness, who is summoned [~~as above provided,~~]  
5 pursuant to this section, after being paid or tendered by some  
6 properly authorized person a sum equivalent to the cost of  
7 round-trip air fare to the place where the prosecution is  
8 pending and \$30 for each day, that the witness is required to  
9 travel and attend as a witness, fails without good cause to  
10 attend and testify as directed in the summons, the witness shall  
11 be punished in the manner provided for the punishment of any  
12 witness who disobeys a summons issued from a court of record in  
13 this State."

14 PART II

15 SECTION 4. Section 442-9, Hawaii Revised Statutes, is  
16 amended by amending subsection (a) to read as follows:

17 "(a) In addition to any other actions authorized by law,  
18 the board shall refuse to issue or may order any license issued  
19 under this chapter to be revoked, suspended, limited,  
20 restricted, or placed under probation at any time in a



1 proceeding before the board or fine a licensee for any cause  
2 authorized by law, including but not limited to the following:

- 3 (1) Procuring or aiding or abetting in procuring [a  
4 ~~criminal~~] an abortion[+] that is unlawful under the  
5 laws of this State or that would be unlawful under the  
6 laws of this State if performed within this State;
- 7 (2) Employing what is popularly known as a "capper" or  
8 "steerer";
- 9 (3) Obtaining a fee on the assurance that a manifestly  
10 incurable disease can be permanently cured;
- 11 (4) Wilfully betraying patient confidentiality;
- 12 (5) Making any untruthful statement in advertising one's  
13 practice or business under this chapter;
- 14 (6) False, fraudulent, or deceptive advertising;
- 15 (7) Advertising directly or indirectly, or in substance  
16 upon any card, sign, newspaper advertisement, or other  
17 written or printed sign of advertisement that the  
18 holder of a license or the licensee's employer or  
19 employee will treat, cure, or attempt to treat or cure  
20 any venereal disease, or will treat or cure, or  
21 attempt to treat or cure, any person afflicted with



- 1           any sexual disease, lost manhood, sexual weakness, or  
2           sexual disorder or any disease of the sexual organs;
- 3       (8)   Being habitually intemperate;
- 4       (9)   Habitually using any habit-forming drug, [~~such as~~]  
5           including opium, or any of its derivatives, morphine,  
6           heroin, cocaine, or any other habit-forming drug;
- 7       (10)  The advertising of any means whereby the monthly  
8           periods of women can be regulated or the menses  
9           reestablished if suppressed;
- 10      (11)  Procuring a license through fraudulent  
11           misrepresentation or deceit;
- 12      (12)  Professional misconduct or gross carelessness or  
13           manifest incapability in the practice of chiropractic;
- 14      (13)  Violating section 453-2; and
- 15      (14)  Knowingly recording, registering, or filing, or  
16           offering for recordation, registration, or filing,  
17           with the department of commerce and consumer affairs  
18           any written statement [~~which~~] that has been falsely  
19           made, completed, or altered, or in which a false entry  
20           has been made, or [~~which~~] that contains a false  
21           statement or false information."



1 SECTION 5. Section 453-8, Hawaii Revised Statutes, is  
2 amended by amending subsections (a), (b), and (c) to read as  
3 follows:

4 "(a) In addition to any other actions authorized by law,  
5 any license to practice medicine and surgery may be revoked,  
6 limited, or suspended by the board at any time in a proceeding  
7 before the board, or may be denied, for any cause authorized by  
8 law, including but not limited to the following:

- 9 (1) Procuring, or aiding or abetting in procuring, [a  
10 ~~eriminal~~] an abortion[+] that is unlawful under the  
11 laws of this State or that would be unlawful under the  
12 laws of this State if performed within this State;
- 13 (2) Employing any person to solicit patients for one's  
14 self;
- 15 (3) Engaging in false, fraudulent, or deceptive  
16 advertising, including but not limited to:
- 17 (A) Making excessive claims of expertise in one or  
18 more medical specialty fields;
- 19 (B) Assuring a permanent cure for an incurable  
20 disease; or





- 1 (C) Making any untruthful and improbable statement in  
2 advertising one's medical or surgical practice or  
3 business;
- 4 (4) Being habituated to the excessive use of drugs or  
5 alcohol; or being addicted to, dependent on, or a  
6 habitual user of a narcotic, barbiturate, amphetamine,  
7 hallucinogen, or other drug having similar effects;
- 8 (5) Practicing medicine while the ability to practice is  
9 impaired by alcohol, drugs, physical disability, or  
10 mental instability;
- 11 (6) Procuring a license through fraud, misrepresentation,  
12 or deceit, or knowingly permitting an unlicensed  
13 person to perform activities requiring a license;
- 14 (7) Professional misconduct, hazardous negligence causing  
15 bodily injury to another, or manifest incapacity in  
16 the practice of medicine or surgery;
- 17 (8) Incompetence or multiple instances of negligence,  
18 including but not limited to the consistent use of  
19 medical service, which is inappropriate or  
20 unnecessary;



- 1 (9) Conduct or practice contrary to recognized standards  
2 of ethics of the medical profession as adopted by the  
3 Hawaii Medical Association, the American Medical  
4 Association, the Hawaii Association of Osteopathic  
5 Physicians and Surgeons, or the American Osteopathic  
6 Association;
- 7 (10) Violation of the conditions or limitations upon which  
8 a limited or temporary license is issued;
- 9 (11) Revocation, suspension, or other disciplinary action  
10 by another state or federal agency of a license,  
11 certificate, or medical privilege[+], except when the  
12 revocation, suspension, or other disciplinary action  
13 was based on the provision or assistance in receipt or  
14 provision of medical, surgical, pharmaceutical,  
15 counseling, or referral services relating to the human  
16 reproductive system, including but not limited to  
17 services relating to pregnancy, contraception, or the  
18 termination of a pregnancy, so long as the provision  
19 or assistance in receipt or provision of the services  
20 was in accordance with the laws of this State or would



1 have been in accordance with the laws of this State if  
2 it occurred within this State;

3 (12) Conviction, whether by nolo contendere or otherwise,  
4 of a penal offense substantially related to the  
5 qualifications, functions, or duties of a physician or  
6 osteopathic physician, notwithstanding any statutory  
7 provision to the contrary[+], except when the  
8 conviction was based on the provision or assistance in  
9 receipt or provision of medical, surgical,  
10 pharmaceutical, counseling, or referral services  
11 relating to the human reproductive system, including  
12 but not limited to services relating to pregnancy,  
13 contraception, or the termination of a pregnancy, so  
14 long as the provision or assistance in receipt or  
15 provision of the services was in accordance with the  
16 laws of this State or would have been in accordance  
17 with the laws of this State if it occurred within this  
18 State;

19 (13) Violation of chapter 329, the uniform controlled  
20 substances act, or any rule adopted thereunder except  
21 as provided in section 329-122;



1           (14) Failure to report to the board, in writing, any  
2           disciplinary decision issued against the licensee or  
3           the applicant in another jurisdiction within thirty  
4           days after the disciplinary decision is issued; or

5           (15) Submitting to or filing with the board any notice,  
6           statement, or other document required under this  
7           chapter, which is false or untrue or contains any  
8           material misstatement or omission of fact.

9           (b) If disciplinary action related to the practice of  
10          medicine has been taken against the applicant by another state  
11          or federal agency, or if the applicant reveals a physical or  
12          mental condition that would constitute a violation under this  
13          section, then the board may impose one or more of the following  
14          requirements as a condition for licensure:

15          (1) Physical and mental evaluation of the applicant by a  
16          licensed physician or osteopathic physician approved  
17          by the board;

18          (2) Probation, including conditions of probation as  
19          requiring observation of the licensee by an  
20          appropriate group or society of licensed physicians,  
21          osteopathic physicians, or surgeons;



- 1           (3) Limitation of the license by restricting the fields of  
2           practice in which the licensee may engage;
- 3           (4) Further education or training or proof of performance  
4           competency; and
- 5           (5) Limitation of the medical practice of the licensee in  
6           any reasonable manner to assure the safety and welfare  
7           of the consuming public[-];
- 8   provided that the board shall not impose as a condition for  
9   licensure any of the requirements pursuant to this subsection if  
10 the disciplinary action related to the practice of medicine  
11 taken against the applicant was based on the provision or  
12 assistance in receipt or provision of medical, surgical,  
13 pharmaceutical, counseling, or referral services relating to the  
14 human reproductive system, including but not limited to services  
15 relating to pregnancy, contraception, or the termination of a  
16 pregnancy, so long as the provision or assistance in receipt or  
17 provision of the services was in accordance with the laws of  
18 this State or would have been in accordance with the laws of  
19 this State if it occurred within this State.
- 20           (c) Notwithstanding any other law to the contrary, the  
21 board may deny a license to any applicant who has been



1 disciplined by another state or federal agency[-], except on the  
2 basis of discipline for the provision or assistance in receipt  
3 or provision of medical, surgical, pharmaceutical, counseling,  
4 or referral services relating to the human reproductive system,  
5 including but not limited to services relating to pregnancy,  
6 contraception, or the termination of a pregnancy, so long as the  
7 provision or assistance in receipt or provision of the services  
8 was in accordance with the laws of this State or would have been  
9 in accordance with the laws of this State if it occurred within  
10 this State. Any final order of discipline taken pursuant to  
11 this subsection shall be a matter of public record."

12 SECTION 6. Section 453-8.6, Hawaii Revised Statutes, is  
13 amended as follows:

14 1. By amending subsection (a) to read:

15 "(a) Upon receipt of evidence of revocation, suspension,  
16 or other disciplinary action against a licensee by another state  
17 or federal agency, the board may issue an order imposing  
18 disciplinary action upon the licensee on the following  
19 conditions:



- 1           (1) The board shall serve the licensee with a proposed  
2           order imposing disciplinary action as required by  
3           chapter 91;
- 4           (2) The licensee shall have the right to request a hearing  
5           pursuant to chapter 91 to show cause why the action  
6           described in the proposed order should not be imposed;
- 7           (3) Any request for a hearing shall be made in writing and  
8           filed with the board within twenty days after mailing  
9           of the proposed order to the licensee; and
- 10          (4) If the licensee does not submit a written request for  
11          a hearing within twenty days after mailing of the  
12          proposed order, the board may issue a final order  
13          imposing the disciplinary action described in the  
14          proposed order[-];
- 15          provided that the board shall not issue an order imposing  
16          disciplinary action upon the licensee if the revocation,  
17          suspension, or other disciplinary action against a licensee in  
18          another state was based on the provision or assistance in  
19          receipt or provision of medical, surgical, pharmaceutical,  
20          counseling, or referral services relating to the human  
21          reproductive system, including but not limited to services



1 relating to pregnancy, contraception, or the termination of a  
2 pregnancy, so long as the provision or assistance in receipt or  
3 provision of the services was in accordance with the laws of  
4 this State or would have been in accordance with the laws of  
5 this State if it occurred within this State."

6 2. By amending subsection (c) to read:

7 "(c) A licensee against whom the board has issued a  
8 proposed order under this section shall be prohibited from  
9 practicing in this State until the board issues a final order  
10 if:

11 (1) The licensee was the subject of disciplinary action by  
12 another state[?], except where the disciplinary action  
13 against the licensee in another state was based on the  
14 provision or assistance in receipt or provision of  
15 medical, surgical, pharmaceutical, counseling, or  
16 referral services relating to the human reproductive  
17 system, including but not limited to services relating  
18 to pregnancy, contraception, or the termination of a  
19 pregnancy, so long as the provision or assistance in  
20 receipt or provision of the services was in accordance  
21 with the laws of this State or would have been in





1           accordance with the laws of this State if it occurred  
2           within this State; and

3           (2) The disciplinary action by another state prohibits the  
4           licensee from practicing in that state."

5           SECTION 7. Section 455-11, Hawaii Revised Statutes, is  
6           amended by amending subsection (a) to read as follows:

7           "(a) In addition to any other actions authorized by law,  
8           the board shall have the power to deny, revoke, suspend, or  
9           refuse to renew any license to practice naturopathic medicine  
10          applied for or issued by the board in accordance with this  
11          chapter, and to fine or otherwise discipline a licensee for any  
12          cause authorized by law, including but not limited to the  
13          following:

14          (1) Failing to meet or maintain the conditions and  
15          requirements necessary to qualify for the issuance of  
16          a license;

17          (2) Procuring, or aiding or abetting in procuring, [a  
18          ~~criminal~~] an abortion[+] that is unlawful under the  
19          laws of this State or that would be unlawful under the  
20          laws of this State if performed within this State;

21          (3) Employing any person to solicit patients;



- 1 (4) Obtaining a fee on the assurance that a manifestly  
2 incurable disease can be permanently cured;
- 3 (5) Betraying a patient's confidence;
- 4 (6) Making any untruthful and improbable statement in  
5 advertising one's naturopathic practice or business;
- 6 (7) False, fraudulent, or deceptive advertising;
- 7 (8) Being habituated to the excessive use of drugs or  
8 alcohol; or being addicted to, dependent on, or an  
9 habitual user of a narcotic, barbiturate, amphetamine,  
10 hallucinogen, or other drug having similar effects;
- 11 (9) Practicing naturopathic medicine while the ability to  
12 practice is impaired by alcohol, drug, physical  
13 disability, or mental instability;
- 14 (10) Procuring a license through fraud, misrepresentation,  
15 or deceit or knowingly permitting an unlicensed person  
16 to perform activities requiring a license;
- 17 (11) Professional misconduct or gross carelessness or  
18 manifest incapacity in the practice of naturopathic  
19 medicine;
- 20 (12) Conduct or practice contrary to recognized standard of  
21 ethics of the naturopathic profession;



- 1 (13) Using medical service or treatment [~~which~~] that is  
2 inappropriate or unnecessary;
- 3 (14) Submitting to or filing with the board any notice,  
4 statement, or other document required under this  
5 chapter [~~which~~] that is false or untrue or contains  
6 any material misstatement of fact, including any false  
7 certification of compliance with the continuing  
8 education requirement specified under section 455-8;
- 9 (15) Failure to report to the board any disciplinary action  
10 taken against the licensee in another jurisdiction  
11 within thirty days after the disciplinary action  
12 becomes final;
- 13 (16) Using the title "physician" without clearly  
14 identifying oneself as being a naturopathic physician;
- 15 (17) Prescribing, administering, and dispensing  
16 naturopathic formulary that are not included in the  
17 formulary established by the board under section 455-  
18 6; and
- 19 (18) Violation of any provision of this chapter or rules  
20 adopted under this chapter."



1 SECTION 8. Section 457-12, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) and (b) to read as follows:

3 "(a) In addition to any other actions authorized by law,  
4 the board shall have the power to deny, revoke, limit, or  
5 suspend any license to practice nursing as a registered nurse or  
6 as a licensed practical nurse applied for or issued by the board  
7 in accordance with this chapter, and to fine or to otherwise  
8 discipline a licensee for any cause authorized by law, including  
9 but not limited to the following:

- 10 (1) Fraud or deceit in procuring or attempting to procure  
11 a license to practice nursing as a registered nurse or  
12 as a licensed practical nurse;
- 13 (2) Gross immorality;
- 14 (3) Unfitness or incompetence by reason of negligence,  
15 habits, or other causes;
- 16 (4) Habitual intemperance, addiction to, or dependency on  
17 alcohol or other habit-forming substances;
- 18 (5) Mental incompetence;
- 19 (6) Unprofessional conduct as defined by the board in  
20 accordance with its own rules;



- 1 (7) Wilful or repeated violation of any of the provisions  
2 of this chapter or any rule adopted by the board;
- 3 (8) Revocation, suspension, limitation, or other  
4 disciplinary action by another state of a nursing  
5 license [7], except when the revocation, suspension,  
6 limitation, or other disciplinary action by another  
7 state was based on the provision or assistance in  
8 receipt or provision of medical, surgical,  
9 pharmaceutical, counseling, or referral services  
10 relating to the human reproductive system, including  
11 but not limited to services relating to pregnancy,  
12 contraception, or the termination of a pregnancy, so  
13 long as the provision or assistance in receipt or  
14 provision of the services was in accordance with the  
15 laws of this State or would have been in accordance  
16 with the laws of this State if it occurred within this  
17 State;
- 18 (9) Conviction, whether by nolo contendere or otherwise,  
19 of a penal offense substantially related to the  
20 qualifications, functions, or duties of a nurse,  
21 notwithstanding any statutory provision to the



1            contrary[7], except when the conviction was based on  
2            the provision or assistance in receipt or provision of  
3            medical, surgical, pharmaceutical, counseling, or  
4            referral services relating to the human reproductive  
5            system, including but not limited to services relating  
6            to pregnancy, contraception, or the termination of a  
7            pregnancy, so long as the provision or assistance in  
8            receipt or provision of the services was in accordance  
9            with the laws of this State or would have been in  
10           accordance with the laws of this State if it occurred  
11           within this State;

12           (10) Failure to report to the board any disciplinary action  
13           taken against the licensee in another jurisdiction  
14           within thirty days after the disciplinary action  
15           becomes final;

16           (11) Submitting to or filing with the board any notice,  
17           statement, or other document required under this  
18           chapter, which is false or untrue or contains any  
19           material misstatement of fact, including a false  
20           attestation of compliance with continuing competency  
21           requirements;



1 (12) Violation of the conditions or limitations upon which  
2 any license is issued; or

3 (13) Violation of chapter 329, the uniform controlled  
4 substances act, or any rule adopted thereunder except  
5 as provided in section 329-122.

6 (b) Notwithstanding any other law to the contrary, the  
7 board may deny a license to any applicant who has been  
8 disciplined by another state[-], except on the basis of  
9 discipline by another state for the provision or assistance in  
10 receipt or provision of medical, surgical, pharmaceutical,  
11 counseling, or referral services relating to the human  
12 reproductive system, including but not limited to services  
13 relating to pregnancy, contraception, or the termination of a  
14 pregnancy, so long as the provision or assistance in receipt or  
15 provision of the services was in accordance with the laws of  
16 this State or would have been in accordance with the laws of  
17 this State if it occurred within this State. Any final order  
18 entered pursuant to this subsection shall be a matter of public  
19 record."

20 SECTION 9. Section 457-12.5, Hawaii Revised Statutes, is  
21 amended as follows:



1           1. By amending subsection (a) to read:

2           "(a) Upon receipt of evidence of revocation, suspension,  
3 or other disciplinary action against a licensee in another  
4 state, the board may issue an order imposing disciplinary action  
5 upon the licensee on the following conditions:

6           (1) The board shall serve the licensee with a proposed  
7 order imposing disciplinary action as required by  
8 chapter 91;

9           (2) The licensee shall have the right to request a hearing  
10 pursuant to chapter 91 to show cause why the action  
11 described in the proposed order should not be imposed;

12           (3) Any request for a hearing shall be made in writing and  
13 filed with the board within twenty days after mailing  
14 of the proposed order to the licensee; and

15           (4) If the licensee does not submit a written request for  
16 a hearing within twenty days after mailing of the  
17 proposed order, the board shall issue a final order  
18 imposing the disciplinary action described in the  
19 proposed order[-];

20 provided that the board shall not issue an order imposing  
21 disciplinary action upon the licensee if the revocation,





1 suspension, or other disciplinary action against a licensee in  
2 another state was based on the provision or assistance in  
3 receipt or provision of medical, surgical, pharmaceutical,  
4 counseling, or referral services relating to the human  
5 reproductive system, including but not limited to services  
6 relating to pregnancy, contraception, or the termination of a  
7 pregnancy, so long as the provision or assistance in receipt or  
8 provision of the services was in accordance with the laws of  
9 this State or would have been in accordance with the laws of  
10 this State if it occurred within this State."

11 2. By amending subsection (c) to read:

12 "(c) A licensee against whom the board has issued a  
13 proposed order under this section shall be prohibited from  
14 practicing in this State until the board issues a final order  
15 if:

16 (1) The licensee was the subject of disciplinary action in  
17 another state[?], except where the disciplinary action  
18 against the licensee in another state was based on the  
19 provision or assistance in receipt or provision of  
20 medical, surgical, pharmaceutical, counseling, or  
21 referral services relating to the human reproductive



1           system, including but not limited to services relating  
2           to pregnancy, contraception, or the termination of a  
3           pregnancy, so long as the provision or assistance in  
4           receipt or provision of the services was in accordance  
5           with the laws of this State or would have been in  
6           accordance with the laws of this State if it occurred  
7           within this State; and

8           (2) The disciplinary action in the other state prohibits  
9           the licensee from practicing in that state."

10          SECTION 10. Section 461-21.5, Hawaii Revised Statutes, is  
11 amended as follows:

12          1. By amending subsection (a) to read:

13          "(a) Upon receipt of evidence of revocation, suspension,  
14 or other disciplinary action against a licensee by another state  
15 or federal agency, the board may issue an order imposing  
16 disciplinary action upon the licensee on the following  
17 conditions:

18          (1) The board shall serve the licensee with a proposed  
19 order imposing disciplinary action as required by  
20 chapter 91;



1 (2) The licensee shall have the right to request a hearing  
2 pursuant to chapter 91 to show cause why the action  
3 described in the proposed order should not be imposed;

4 (3) Any request for a hearing shall be made in writing and  
5 filed with the board within twenty days after mailing  
6 of the proposed order to the licensee; and

7 (4) If the licensee does not submit a written request for  
8 a hearing within twenty days after mailing of the  
9 proposed order, the board shall issue a final order  
10 imposing the disciplinary action described in the  
11 proposed order[-];

12 provided that the board shall not issue an order imposing  
13 disciplinary action upon the licensee if the revocation,  
14 suspension, or other disciplinary action against a licensee in  
15 another state was based on the provision or assistance in  
16 receipt or provision of medical, surgical, pharmaceutical,  
17 counseling, or referral services relating to the human  
18 reproductive system, including but not limited to services  
19 relating to pregnancy, contraception, or the termination of a  
20 pregnancy, so long as the provision or assistance in receipt or  
21 provision of the services was in accordance with the laws of



1 this State or would have been in accordance with the laws of  
2 this State if it occurred within this State."

3 2. By amending subsection (c) to read:

4 "(c) A licensee against whom the board has issued a  
5 proposed order under this section shall be prohibited from  
6 practicing in this State until the board issues a final order  
7 if:

8 (1) The licensee was the subject of disciplinary action by  
9 another state [7], except where the disciplinary action  
10 against the licensee by another state was based on the  
11 provision or assistance in receipt or provision of  
12 medical, surgical, pharmaceutical, counseling, or  
13 referral services relating to the human reproductive  
14 system, including but not limited to services relating  
15 to pregnancy, contraception, or the termination of a  
16 pregnancy, so long as the provision or assistance in  
17 receipt or provision of the services was in accordance  
18 with the laws of this State or would have been in  
19 accordance with the laws of this State if it occurred  
20 within this State; and



1 (2) The disciplinary action by another state prohibits the  
2 licensee from practicing in that state."

3 PART III

4 SECTION 11. Chapter 636C, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7 "§636C- Enforcement of foreign penal civil actions  
8 relating to protected reproductive health care services. (a)

9 No judgment or other order arising from a foreign penal civil  
10 action or other penal law banning, restricting, burdening,  
11 punishing, penalizing, or otherwise interfering with the  
12 provision of protected reproductive health care services shall  
13 be enforced in this State.

14 (b) As used in this section:

15 "Foreign penal civil action" means an action authorized by  
16 the law of a state, or of any municipality or other governmental  
17 entity within a state, other than this State, the essential  
18 character and effect of which is to punish an offense against  
19 the public justice of that state, municipality, or other  
20 governmental entity.





- 1 repealed when that section is reenacted on June 30, 2023,
- 2 pursuant to section 6 of Act 66, Session Laws of Hawaii 2017.



**Report Title:**

Reproductive Health Care Services; Disclosures; Subpoenas;  
Agencies; Licensing Authorities; Disciplinary Action;  
Investigations; Proceedings

**Description:**

Prohibits a covered entity from disclosing communication or information relating to reproductive health care services. Prohibits the issuance of a subpoena in connection with an out-of-state proceeding relating to reproductive health care services legally performed in the State. Prohibits agencies from providing information or expending resources in the furtherance of interstate investigations or proceedings relating to reproductive health care services. Prohibits the State from penalizing, prosecuting, or otherwise taking adverse action based on pregnancy outcomes or aiding or assisting a pregnant individual with accessing reproductive health care services. Requires the governor to deny any demand for surrender of a person charged with a crime involving reproductive health care services unless the conduct constitutes a crime in the State. Enumerates laws contrary to public policy and prohibits their application as rules of decision in the courts. Prohibits the issuance of a summons for persons to testify in another state with regard to lawful reproductive health care services. Clarifies under various licensing statutes that the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services related to the human reproductive system cannot form a basis for disciplinary action. Prohibits the enforcement of a judgment or order arising from a foreign penal civil action or other penal law with respect to reproductive health care services. Effective 12/31/2050. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

