

**Testimony of the Board of Pharmacy**

**Before the  
Senate Committee on Health and Human Services  
and  
Senate Committee on Commerce and Consumer Protection  
Tuesday, February 1, 2023  
1:10 p.m.  
Conference Room 225 and Via Videoconference**

**On the following measure:  
S.B. 896, RELATING TO REPRODUCTIVE HEALTH CARE**

Chair San Buenaventura, Chair Keohokalole, and Members of the Committee:

My name is James Skizewski, and I am the Executive Officer for the Board of Pharmacy (Board). The Board supports section 9 of this bill as it amends Hawaii Revised Statutes chapter 461 Pharmacists and Pharmacy, and takes no position on other sections of the bill.

The purposes of this bill are to: (1) prohibit a covered entity from disclosing communication or information relating to reproductive health care services; (2) prohibit the issuance of a subpoena in connection with an out-of-state proceeding relating to reproductive health care services legally performed in the State; (3) prohibit agencies from providing information or expending resources in the furtherance of interstate investigations or proceedings relating to reproductive health care services; (4) prohibit 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; (5) require 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; (6) enumerate laws contrary to public policy and prohibits their application as rules of decision in the courts; (7) prohibit the issuance of a summons for persons to testify in another state with regard to lawful reproductive health care services; (8) clarify 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; and (9) prohibit 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.

The amendments to HRS chapter 461 under section 9 of the bill will provide exceptions for disciplinary action against a pharmacist who is disciplined by another state or convicted where the disciplinary action or conviction is based on the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy so long as the provision or assistance in receipt or provision of such services was in accordance with the laws of this State or would have been in accordance with the laws of this State if it occurred within this State.

This will allow protection of an individual's right to privacy and personal autonomy over their body within state boundaries by allowing pharmacists to continue to provide or assist in services relating to the human reproductive system, without adverse repercussions.

Thank you for the opportunity to testify on this bill.

**Testimony of the Board of Nursing**

**Before the  
Senate Committee on Health and Human Services  
and  
Senate Committee on Commerce and Consumer Protection  
Tuesday, February 1, 2023  
1:10 p.m.  
Conference Room 225 and Via Videoconference**

**On the following measure:  
S.B. 896, RELATING TO REPRODUCTIVE HEALTH CARE**

Chair San Buenaventura, Chair Keohokalole, and Members of the Committee:

My name is Chelsea Fukunaga, and I am the Executive Officer for the Board of Nursing (Board). The Board supports section 7 of the bill, and takes no position on other sections of the bill.

The purposes of this bill are to: (1) prohibit a covered entity from disclosing communication or information relating to reproductive health care services; (2) prohibit the issuance of a subpoena in connection with an out-of-state proceeding relating to reproductive health care services legally performed in the State; (3) prohibit agencies from providing information or expending resources in the furtherance of interstate investigations or proceedings relating to reproductive health care services; (4) prohibit 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; (5) require 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; (6) enumerate laws contrary to public policy and prohibits their application as rules of decision in the courts; (7) prohibit the issuance of a summons for persons to testify in another state with regard to lawful reproductive health care services; (8) clarify 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; and (9) prohibit 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.

The amendments to HRS chapter 457 under section 7 of the bill will provide exceptions for disciplinary action against a licensed practical nurse (LPN), registered nurse (RN) or advanced practice registered nurse (APRN) who is disciplined by another state or convicted where the disciplinary action or conviction is based on the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy so long as the provision or assistance in receipt or provision of such services was in accordance with the laws of this State or would have been in accordance with the laws of this State if it occurred within this State.

This will allow protection of an individual's right to privacy and personal autonomy over their body within State boundaries by allowing LPNs, RNs, and APRNs to continue to provide or assist in the receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, without adverse repercussions.

Thank you for the opportunity to testify on this bill.

**Testimony of the Hawaii Medical Board**

**Before the  
Senate Committee on Health and Human Services  
and  
Senate Committee on Commerce and Consumer Protection  
Wednesday, February 1, 2023  
1:10 p.m.  
Conference Room 225 and Via Videoconference**

**On the following measure:  
S.B. 896, RELATING TO REPRODUCTIVE HEALTH CARE**

Chair San Buenaventura, Chair Keohokalole, and Members of the Committee:

My name is Ahlani Quiogue, and I am the Executive Officer of the Hawaii Medical Board (Board). The Board supports this bill.

The purposes of this bill are to: (1) prohibit a covered entity from disclosing communication or information relating to reproductive health care services; (2) prohibit the issuance of a subpoena in connection with an out-of-state proceeding relating to reproductive health care services legally performed in the State; (3) prohibit agencies from providing information or expending resources in the furtherance of interstate investigations or proceedings relating to reproductive health care services; (4) prohibit 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; (5) require 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; (6) enumerate laws contrary to public policy and prohibits their application as rules of decision in the courts; (7) prohibit the issuance of a summons for persons to testify in another state with regard to lawful reproductive health care services; (8) clarify 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; and (9) prohibit 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.

The Board supports this bill because it protects an individual's right to privacy and bodily autonomy by codifying Executive Order 22-5 dated October 11, 2022.

The Board respectfully requests that the Committees consider the following amendments:

- (1) Page 4, lines 8 and 9, definition of "person" to read:

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

This amendment would bring into line the definition of "person" in this bill to the definition of "person" as defined in Hawaii Revised Statutes (HRS) section 436B-2.

- (2) In addition to amending HRS section 453-8 in section 5 of the bill, the Board notes that HRS section 453-8.6, must also be amended. The Board recommends the below language, which is similar to the amendments made to HRS section 457-12.5 and HRS section 461-21.5:

Section 453-8.6, Hawaii Revised Statutes is amended as follows:

1. By amending subsection (a) to read:

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

- (1) The board shall serve the licensee with a proposed order imposing disciplinary action as required by chapter 91;
- (2) The licensee shall have the right to request a hearing pursuant to chapter 91 to show cause why the action described in the proposed order should not be imposed;
- (3) Any request for a hearing shall be made in writing and filed with the board within twenty days after mailing of the proposed order to the licensee; and

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

provided that the board shall not issue an order imposing disciplinary action upon the licensee if the revocation, suspension, or other disciplinary action against the licensee in another state was based on the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy so long as the provision or assistance in receipt or provision of such services was in accordance with the laws of this State or would have been in accordance with the laws of this State if it occurred within this State.

2. By amending subsection (c) to read:

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

- (1) The licensee was the subject of disciplinary action by another state[-], except where the disciplinary action against a licensee in another state was based on the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy so long as the provision or assistance in receipt or provision of such services was in accordance with the laws of this State or would have been in accordance with the laws of this state if it occurred within this State;  
and

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

Thank you for the opportunity to testify on this bill.



**Testimony of the Board of Chiropractic**

**Before the  
Senate Committee on Health and Human Services  
and  
Senate Committee on Commerce and Consumer Protection  
Tuesday, February 1, 2023  
1:10 p.m.  
Conference Room 225 and Via Videoconference**

**On the following measure:  
S.B. 896, RELATING TO REPRODUCTIVE HEALTH CARE**

Chair San Buenaventura, Chair Keohokalole, and Members of the Committee:

My name is Rochelle Araki, Executive Officer, testifying for Dr. James Pleiss, the Chairperson of the Board of Chiropractic (Board). The Board supports part II, section 4 of this bill as it amends Hawaii Revised Statutes chapter 442 and takes no position on other sections of the bill.

The purposes of this bill are to: (1) prohibit a covered entity from disclosing communication or information relating to reproductive health care services; (2) prohibit the issuance of a subpoena in connection with an out-of-state proceeding relating to reproductive health care services legally performed in the State; (3) prohibit agencies from providing information or expending resources in the furtherance of interstate investigations or proceedings relating to reproductive health care services; (4) prohibit 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; (5) require 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; (6) enumerate laws contrary to public policy and prohibits their application as rules of decision in the courts; (7) prohibit the issuance of a summons for persons to testify in another state with regard to lawful reproductive health care services; (8) 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; (9) prohibit 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.

The amendments to HRS chapter 442 under section 9 of the bill will provide clarification on the basis for a disciplinary action against a licensed chiropractor providing referral services related to the human reproductive system. The amendment clarifies that disciplinary action in procuring, or aiding or abetting an abortion is only warranted if the actions taken are unlawful according to the laws of this State.

Thank you for the opportunity to testify on this bill.



**Written Testimony Presented Before the Senate  
Committee on Health and Human Services  
and  
Committee on Commerce and Consumer Protection  
Wednesday, February 1, 2023 at 1:10 PM  
Room 225 and via videoconference  
by  
Laura Reichhardt, APRN, AGPCNP-BC  
Director, Hawai'i State Center for Nursing  
University of Hawai'i at Mānoa**

**WRITTEN TESTIMONY IN SUPPORT on S.B. 896**

Chairs San Buenaventura and Keohokalole, Vice Chairs Aquino and Fukunaga, and members of the Committee on Health and Human Services, and Committee on Commerce and Consumer Protection, thank you for the opportunity to testify in **support S.B. 896**.

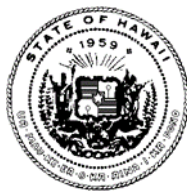
In 2021, the Legislature, in its great wisdom, established that Advance Practice Registered Nurses (APRNs) can improve access to care for people in Hawai'i by authorizing them, via Act 3, SLH 2021, to provide medication and aspiration abortion care. At that time, the Senate noted that "Many women, particularly those on the neighbor islands and in rural parts of the State, do not have access to physicians who are authorized to perform abortions. Thus, these women are forced to fly to another island in addition to taking time off work, arranging childcare, and booking lodging to see a physician and receive safe and adequate care. Your Committees find that APRNs can safely provide abortion care and can do so outside of hospitals. This measure allows APRNs to perform medication or aspiration abortions." (Standing Committee Report Number 1178, Re: H.B. 578, H.D.3).

This measure aims to protect patients' access to care that is established in law in Hawai'i, as well as protect the qualified healthcare providers who offer these healthcare services.

The Hawai'i State Center for Nursing respectfully asks the Committee to pass **S.B. 896** through your committee. The Center thanks your committee for its commitment to the people of Hawai'i, and ensuring access to high-quality health care by protecting safe, high-quality, and evidence-based healthcare provided by local healthcare providers including APRNs.

*The mission of the Hawai'i State Center for Nursing is that through collaborative partnerships, the Center provides accurate nursing workforce data for planning, disseminates nursing knowledge to support excellence in practice and leadership development; promotes a diverse workforce, and advocates for sound health policy to serve the changing health care needs of the people of Hawai'i.*

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



CATHY BETTS  
DIRECTOR  
KA LUNA HO'OKELE

JOSEPH CAMPOS II  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF HUMAN SERVICES**  
KA 'OIHANA MĀLAMA LAWELawe KANAKA  
Office of the Director  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

January 30, 2023

TO: The Honorable Senator Joy A. San Buenaventura, Chair  
Senate Committee on Health & Human Services  
  
The Honorable Senator Jarrett Keohokalole, Chair  
Senate Committee on Commerce & Consumer Protection

FROM: Cathy Betts, Director

SUBJECT: **SB 896 – RELATING TO REPRODUCTIVE HEALTH CARE.**

Hearing: February 1, 2023, 1:10 p.m.  
Conference Room 225 & Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports this measure, provides comments, and defers to the Department of the Attorney General.

**PURPOSE:** This bill 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.

DHS appreciates the Legislature's effort to support an individual's right to make health care decisions, including regarding reproductive health care, in a supportive and stress-free environment. We also support health care providers and our staff, who may assist in accessing or providing all reproductive health services that are legal in our State.

However, the current developments in the legal landscape threaten an individual's right to privacy and the right to make their health care decisions. Aggressive legal actions and other tactics also threaten our health care providers and staff, who assist in accessing or providing services. This bill helps clarify and provides protections from the threat of litigation or harassment for the provision of reproductive health care services that are legal in our State.

Thank you for the opportunity to provide comments on this measure.

**Testimony of the Board of Naturopathic Medicine**

**Before the  
Senate Committee on Health and Human Services  
and  
Senate Committee on Commerce and Consumer Protection  
Tuesday, February 1, 2023  
1:10 p.m.  
Conference Room 225 and Via Videoconference**

**On the following measure:  
S.B. 896, RELATING TO REPRODUCTIVE HEALTH CARE**

Chair San Buenaventura, Chair Keohokalole, and Members of the Committees:

My name is Dr. Kristen Coles, and I am the Chair of legislative committee formed by the Board of Naturopathic Medicine (Board).

The Board's Legislative Committee (Committee) appreciates the intent of the bill and offers comments.

The purposes of this bill are to: (1) prohibit a covered entity from disclosing communication or information relating to reproductive health care services; (2) prohibit the issuance of a subpoena in connection with an out-of-state proceeding relating to reproductive health care services legally performed in the State; (3) prohibit agencies from providing information or expending resources in the furtherance of interstate investigations or proceedings relating to reproductive health care services; (4) prohibit 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; (5) require 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; (6) enumerate laws contrary to public policy and prohibits their application as rules of decision in the courts; (7) prohibit the issuance of a summons for persons to testify in another state with regard to lawful reproductive health care services; (8) clarify 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; and (9) prohibit 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.

With regard to section 6, page 23, lines 5-7, the Committee supports the amendment removing the term “criminal” from paragraph (2) of section 11, Hawaii Revised Statutes 455, and replacing it with the language “that is unlawful under the laws of this state or that would be unlawful under the laws of this if performed within this state.”

The Committee supports the protections this bill provides for patients and practitioners with respect to procuring and providing reproductive health care services.

Thank you for the opportunity to testify on this bill.

**Testimony of the Board of Psychology**

**Before the  
Senate Committee on Health and Human Services  
and  
Senate Committee on Commerce and Consumer Protection  
Tuesday, February 1, 2023  
1:10 p.m.  
Conference Room 225 and Via Videoconference**

**On the following measure:  
S.B. 896, RELATING TO REPRODUCTIVE HEALTH CARE**

Chair San Buenaventura, Chair Keohokalole, and Members of the Committees:

My name is Christopher Fernandez, and I am the Executive Officer for the Board of Psychology (Board). The Board's Legislative Committee (Committee) appreciates the intent of the bill and offers comments.

The purposes of this bill are to: (1) prohibit a covered entity from disclosing communication or information relating to reproductive health care services; (2) prohibit the issuance of a subpoena in connection with an out-of-state proceeding relating to reproductive health care services legally performed in the State; (3) prohibit agencies from providing information or expending resources in the furtherance of interstate investigations or proceedings relating to reproductive health care services; (4) prohibit 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; (5) require 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; (6) enumerate laws contrary to public policy and prohibits their application as rules of decision in the courts; (7) prohibit the issuance of a summons for persons to testify in another state with regard to lawful reproductive health care services; (8) clarify 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; and (9) prohibit the enforcement of a judgment or order

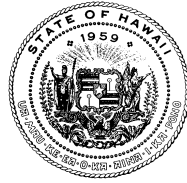


arising from a foreign penal civil action or other penal law with respect to reproductive health care services.

The Committee recognizes the substantial potential effects that the Dobbs overruling of *Roe v. Wade* by the Supreme Court of the United States can have on patient and practitioner rights, and the need to secure patient privacy and right to bodily autonomy. The Committee supports the protections this bill provides for patients and practitioners with respect to procuring and providing reproductive health care services.

Thank you for the opportunity to testify on this bill.

[Continue text here.]



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

WRITTEN  
TESTIMONY  
ONLY

**Testimony COMMENTING on SB896  
RELATING TO REPRODUCTIVE HEALTH CARE**

SENATOR JOY SAN BUENAVENTURA, CHAIR  
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

SENATOR JARRETT KEOHOKALO, CHAIR  
SENATE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Hearing Date: February 1, 2023

Room Number: 225

- 1 **Fiscal Implications:** N/A.
- 2 **Department Testimony:** The Department of Health (DOH) strongly supports access to and
- 3 protections for safe reproductive health care services for women.
- 4 DOH defers to the relevant professional boards regarding scope of practice and patient safety.
- 5 Thank you for the opportunity to testify.
- 6 **Offered Amendments:** N/A.
- 7

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: Senate Committees on Health and Human Services and on Commerce  
and Consumer Protection

From: Cheryl Kakazu Park, Director

Date: February 1, 2023, 1:10 p.m.  
State Capitol, Conference Room 225

Re: Testimony on S.B. No. 896  
Relating to Reproductive Health Care

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Thank you for the opportunity to submit testimony on this bill, which would prohibit a covered entity from disclosing information about the provision of reproductive health care services and prohibit government agencies and employees from providing information or assistance in furtherance of a proceeding seeking to impose liability for reproductive health care services. The Office of Information Practices (OIP) takes no position on the bill as a whole, but **requests an amendment to address its concern that the section specifically relating to disclosure of information by government agencies and employees is so broad as to set up a conflict with the open record requirements of chapter 92F, HRS, the Uniform Information Practices Act (UIPA).**

Proposed section \_\_-4, starting on bill page 7, prohibits government agencies as defined in the UIPA and their employees from providing any information “in furtherance of any interstate investigation or proceeding seeking to impose civil or criminal liability” for the provision, use of, or assistance related to reproductive health care services. Since the definition of “agency” is explicitly based

on that used in the UIPA, this provision is clearly intended to apply to UIPA requests. **The problem is that the bill's prohibition on disclosing information applies not just to patient health information or similarly confidential information but to information in general, and is not limited to a situation in which the agency or employee furnishing information actually knows that the record request was made in connection with an investigation or proceeding seeking to impose liability.**

**The UIPA allows anonymous requests,** and except where an individual is requesting his or her personal records that would not be disclosed to the general public, **an agency cannot require record requesters to identify themselves or explain the purpose of a record request.** And since the proposed prohibition on providing information would apply not just to requests coming from another state government but also to requests from private individuals seeking to impose civil liability under a bounty law, there is no reason to think that record requests made in furtherance of such a proceeding will necessarily be identifiable as such.

**Thus, government agencies and employees will risk violating the bill's prohibition when they disclose public records as required under the UIPA** because they will have no way of knowing whether a request is connected to an investigation or proceeding seeking to impose liability for the use, provision of, or assistance related to reproductive health care services. **And that can be expected to chill the general public's access to government records by encouraging agencies to deny requests, with the new prohibition as their justification,** for fear that the requested records – no matter how seemingly innocuous – could conceivably further in some way a proceeding seeking to impose liability related to reproductive health services.

To avoid creating a conflict of laws that could chill the general public's ability to obtain open records under the UIPA, **OIP recommends this Committee amend this measure** to limit the prohibition to situations where an agency **knowingly** discloses **information not required to be publicly disclosed under the UIPA** in furtherance of an investigation or proceeding seeking to impose liability as described in this bill. **Specifically, OIP recommends that proposed subsection \_\_-4(a) on page 7 line 18 to page 8 line 10 be amended to read as follows** (added language is bolded):

“(a) No agency, as defined in section 92F-3, or employee, appointee, officer, official, or any other person acting on behalf of an agency shall **knowingly** provide any information **falling under an exception to public disclosure as provided in section 92F-13** or expend or use time, money, facilities, property, equipment, personnel, or other resources in furtherance of any interstate investigation or proceeding seeking to impose civil or criminal liability upon a person or entity for:

- (1) The provision, seeking, or receipt of or inquiring about reproductive health care services that are legal in this State;  
or
- (2) Assisting any person or entity providing, seeking, receiving, or responding to an inquiry about reproductive health care services that are legal in this State.”

Thank you for considering OIP's testimony.

**COUNTY COUNCIL**

Mel Rapozo, Chair  
KipuKai Kualii, Vice Chair  
Addison Bulosan  
Bernard P. Carvalho, Jr.  
Felicia Cowden  
Bill DeCosta  
Luke A. Evslin



**OFFICE OF THE COUNTY CLERK**

Jade K. Fountain-Tanigawa, County Clerk  
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188  
Facsimile: (808) 241-6349  
Email: cokcouncil@kauai.gov

**Council Services Division**  
4396 Rice Street, Suite 209  
Lihu'e, Kaua'i, Hawai'i 96766

January 30, 2023

**TESTIMONY OF ADDISON BULOSAN  
COUNCILMEMBER, KAUAI COUNTY COUNCIL  
ON  
SB 896, RELATING TO REPRODUCTIVE HEALTH CARE  
Senate Committee on Health and Human Services  
Senate Committee on Commerce and Consumer Protection  
Wednesday, February 1, 2023  
1:10 p.m.  
Conference Room 225  
Via Videoconference**

Dear Chair San Buenaventura, Chair Keohokalole, and Members of the Committee:

Thank you for this opportunity to provide testimony in strong SUPPORT of SB 896, Relating to Reproductive Health Care. My testimony is submitted in my individual capacity as a Councilmember of the Kaua'i County Council.

Due to the shift of the legal landscape relating to the right to privacy and an individual's bodily autonomy, SB 896 seeks to reiterate and bolster the State's policy regarding the rights of equality, liberty, and privacy—which are guaranteed under the Hawai'i State Constitution—including an individual's right to make reproductive health care decisions about one's own body and the right of an individual to decide whether to bear a child or obtain an abortion.

I wholeheartedly support the intent of this measure as it will ensure women the fundamental right to make their own reproductive health care decisions as well the right to decide whether to bear a child or obtain an abortion within the state boundaries.

Thank you again for this opportunity to provide testimony in strong support of SB 896. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

**ADDISON BULOSAN**  
Councilmember, Kaua'i County Council

AAO:jy

Rebecca V. Like  
Prosecuting Attorney



Keola Siu  
First Deputy  
Prosecuting Attorney

**OFFICE OF THE PROSECUTING ATTORNEY**

**County of Kaua'i, State of Hawai'i**

3990 Ka'ana Street, Suite 210, Lihu'e, Hawai'i 96766

808-241-1888 ~ FAX 808-241-1758

Victim/Witness Program 808-241-1898 or 800-668-5734

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January 31, 2023

**RE: S.B. 896; RELATING TO REPRODUCTIVE HEALTH CARE**

Chair Buenaventura, Vice-Chair Aquino and members of the Senate Committees on Health and Human Services and Commerce and Consumer Protection, the Office of the Prosecuting Attorney for the County of Kaua'i submits the following testimony in support of S.B. 896.

On June 24, 2022, the United States Supreme Court overturned over 40 years of established precedent in *Dobbs v. Jackson Women's Health Organization*. This decision exposed women to possible differing criminal charges in more than half the states for a personal healthcare decision. At the time of the decision, our Office pledged that we would not use limited criminal justice resources to prosecute women seeking abortions. This bill protects women seeking those services. It also prevents out-of-state investigations of healthcare services provided in Hawaii. It protects healthcare providers who provide reproductive healthcare services.

It is important to protect women's autonomy, to not allow another State to criminalize a woman's right to an abortion in Hawaii, and to protect women's right to privacy in their healthcare decisions.

Because reproductive healthcare is not the province of the criminal law, our Office **supports** the passage of S.B. 896. Thank you for the opportunity to testify on this matter.





# ACOG

The American College of  
Obstetricians and Gynecologists

*American College of Obstetricians and Gynecologists  
Hawai'i, Guam & American Samoa Section*

TO: Senate Committee on Health and Human Services  
Senator Joy A. San Buenaventura, Chair  
Senator Henry J.C. Aquino, Vice Chair

Senate Committee on Commerce and Consumer Protection  
Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair

DATE: Wednesday, February 1, 2023 at 1:10pm

FROM: Hawai'i Section, ACOG  
Reni Soon, MD, MPH, FACOG, Legislative Chair and Immediate Past Chair  
Angel Willey, MD, FACOG, Chair

**Re: SB896 Relating to Reproductive Health Care**  
**Position: SUPPORT**

The Hawai'i Section of the American College of Obstetricians and Gynecologists (HI ACOG) **strongly supports SB896** which would protect access to abortion in Hawai'i by protecting Hawaii's healthcare providers from legal actions imposed by states with restrictive abortion laws.

1. **Hawai'i has a long history of recognizing the importance of access to abortion care, and protecting this access is widely supported.** Hawai'i has a proud history of leading the country in protecting reproductive rights, being one of the first states to legalize abortion. Access to abortion has always been widely supported in Hawai'i,<sup>1</sup> and our health care organizations also recognize and support access to abortion. SB 896 would codify Governor David Ige's Executive Order 22-05, which he issued in October 2022<sup>2</sup> after a joint letter by fourteen organizations representing physicians, nurses and other allied healthcare organizations was sent urging his administration to protect healthcare professionals from out-of-state investigations seeking to impose civil or criminal liability related to the provision of abortion care that is legal in Hawai'i.
2. **Protecting access to abortion care means protecting our healthcare workforce from out of state attacks that are being threatened across the country.** While Hawai'i has been a long-time leader in reproductive health care rights, the landscape in the rest of the country is rapidly changing. Since the *Dobbs v. Jackson Women's Health* decision by the United States Supreme Court in June 2022 that overturned almost fifty years of a constitutional right to abortion and bodily autonomy, several states including Idaho, Oklahoma, and Texas<sup>3</sup> have enacted abortion restrictions that are enforced through private, civil lawsuits. In addition, lawmakers in conservative states have threatened to pass laws that would reach across state lines and seek to penalize healthcare providers in other states who

<sup>1</sup> <https://www.pewresearch.org/religion/religious-landscape-study/state/hawaii/views-about-abortion/>

<sup>2</sup> <https://apnews.com/article/abortion-business-hawaii-david-ige-e6921a42ff56be2d41d377e814565858>

<sup>3</sup> <https://reproductiverights.org/wirf-abortion-bans/texas-sb8-copycat-ban-in-effect/>

provided abortion-related care to their residents.<sup>4</sup> All of these laws aim to restrict the residents of those states from not only accessing basic healthcare in their own state, but from also traveling out-of-state for abortion care.

3. **Abortion related health care is not just provision of abortion, and any healthcare provider caring for a patient who ultimately obtains an abortion can be targeted.** Each person's story is unique. Each person may take a different route on their journey to get abortion care, and the healthcare they access during that process can involve more than just their abortion provider. The urgent care physician who notifies them that they are pregnant when they were feeling ill, the radiologist who does their ultrasound, as well as the healthcare provider who performs the abortion, are all vulnerable to out-of-state threats. Especially given that the pool of abortion providers in the state is small, a threat to our healthcare providers is also a threat to abortion access for all of us in Hawai'i.
4. **Hawai'i healthcare professionals already provide care to many patients from other states.** Caring for patients from other states is nothing new as we have college student from other states, tourists, and military personnel, and we have always taken care of all patients in front of us no matter where they are from. Healthcare providers should not have to wonder or worry about litigation for providing compassionate care that is legal in Hawai'i.
5. **Seven other states have enacted similar laws protecting health care providers.**<sup>5</sup>

For these reasons, ACOG urges the legislature to be proactive and protect abortion access in Hawai'i by protecting our healthcare providers. **Please pass SB 896.**

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<sup>4</sup> <https://www.washingtonpost.com/politics/2022/03/08/missouri-abortion-ban-texas-supreme-court/>

<sup>5</sup> <https://reproductiverights.org/maps/abortion-laws-by-state/>



HAWAI'I STATE  
**COALITION AGAINST  
DOMESTIC VIOLENCE**

February 1, 2023

Members of the Senate Committee on Health and Human Services:

Chair Joy A. San Buenaventura  
Vice Chair Henry J.C. Aquino  
Sen. Sharon Y. Moriwaki  
Sen. Maile S.L. Shimabukuro  
Sen. Brenton Awa

Members of the Senate Committee on Commerce and Consumer Protection:

Chair Jarrett Keohokalole  
Vice Chair Carol Fukunaga  
Sen. Angus L.K. McKelvey  
Sen. Herbert M. Richards III  
Sen. Brenton Awa

Re: SB896 Relating to Reproductive Health Care

Dear Chair San Buenaventura, Vice Chair Aquino and Members of the Senate Committee on Health and Human Services, Chair Keohokalole, Vice Chair Fukunaga and Members of the Senate Committee on Commerce and Consumer Protection:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) addresses the social, political, and economic impacts of domestic violence on individuals, families, and communities. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 28 member programs statewide, I respectfully submit testimony in **support of SB896, with comments**. We are seeking clarification on the intent of lines 15-21 of page 4, specifically the mention of rule 505.5 of the Hawai'i rules of evidence that codifies privilege for domestic violence advocates. We respectfully ask the committee to help clarify how this statute will affect domestic violence advocate privilege.

Reproductive health can and has been used as a tactic to control or hold power over an intimate partner in a situation involving domestic violence. Pregnancy has been associated with both an increased initiation of Intimate Partner Violence (IPV), as well as the increased severity



HAWAI'I STATE  
COALITION AGAINST  
DOMESTIC VIOLENCE

of IPV. In contrast, pregnant people who were experiencing IPV reported a reduction in abuse following an abortion.

We support SB 896 because it protects persons who provide access to abortion, pregnancy services, and contraceptives as those are often methods by which survivors of domestic violence can escape or cut ties from an abusive partner or regain confidence in their autonomy.

Thank you for the opportunity to testify on this important matter.

Sincerely,

Angelina Mercado, Executive Director



Alliance Advocates - Hawai'i

To: Hawai'i State Senate Committee on Commerce and Consumer Protection and  
Committee on Health and Human Services  
Hearing Date/Time: Wednesday, Feb. 1<sup>st</sup>, 2023 at 1:10 pm  
Re: Testimony of Planned Parenthood Alliance Advocates in strong support of SB  
896

Dear Chairs San Buenaventura and Keohokalole and Members of the Committees,

Planned Parenthood Alliance Advocates – Hawai'i strongly supports SB 896. Providers and patients should not fear being investigated, jailed, or losing their license for providing or obtaining legal health care services.

Because the Supreme Court erased decades of precedent last summer by taking away our federal constitutional right to abortion, one in three women of reproductive age in the U.S. – and more trans and nonbinary people – no longer have access to abortion in their state. Along with the loss of access to essential health care, providers and patients alike are living in fear of being criminally prosecuted. The law is crystal clear that abortion care provided in Hawai'i remains legal, and the Department of Justice reiterated that the Constitution restricts states' authority to ban reproductive services provided outside their borders. Nonetheless, overzealous prosecutors and lawmakers in hostile states are pursuing laws that target providers and discipline outside of states' borders.

SB 896 limits cooperation with other states' investigations and proceedings about the provision of abortion. The bill also prohibits medical licensure boards from taking adverse action against providers who provide abortion that is legal in the state of Hawai'i. We must ensure Hawai'i health care providers do not have their licenses negatively impacted or face discipline locally due to the provision of reproductive health care, even if providers are subject to discipline, investigations, or criminal charges in other states.

As an example, shortly after the reversal of *Roe*, Indiana Attorney General targeted abortion provider Dr. Caitlin Bernard for providing an abortion to a 10-year-old rape survivor. Although the state of Indiana found Dr. Bernard was acting in accordance with Indiana law, her story highlights the very real possibility of providers being punished or disciplined for providing legal abortion care. Providers in these states are being forced to violate their ethical duties and medical judgment out of fear of prosecution, risking prosecution, jail time, and loss of licensure. This bill ensures that should Dr. Bernard have been prosecuted or otherwise disciplined in Indiana, she could continue to practice medicine in Hawai'i.

We request that the committee extend the protections in this bill to gender affirming care providers. Attacks on providers aren't restricted to abortion care — we're also seeing attacks on gender affirming care, with nearly 80 bills attacking this critical care already introduced this year alone, including legislation here in Hawai'i. It is well-established medical consensus that gender affirming care and surgical procedures are medically necessary – and even lifesaving – health care services. We, again, must ensure Hawai'i health providers don't become targets just for doing their jobs.

Providers should not be afraid to be jailed, lose their license, or be barred from ever practicing medicine again simply for providing basic, lifesaving, legal health care. They need to be confident that they can continue to focus on patient health and that Hawai‘i will always be a safe place to do what is best for the patient. We encourage you to support SB 896 and thank you for the opportunity to testify.

Sincerely,

Jen Wilbur  
Hawai‘i State Director  
Planned Parenthood Alliance Advocates – Hawai‘i

**SB-896**

Submitted on: 1/27/2023 7:23:20 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Golojuch Jr	Testifying for Stonewall Caucus of the Democratic Party of Hawaii	Support	Remotely Via Zoom

Comments:

Aloha Senators,

The Stonewall Caucus of the Democratic Party of Hawai‘i; Hawai‘i’s oldest and largest policy and political LGBTQIA+ focused organization fully supports SB 896.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr.  
Chair and SCC Representative  
Stonewall Caucus for the DPH



To: Health and Human Services/Commerce and Consumer Protection Committees  
Hearing Date/Time: February 1, 2023 /1:10 PM  
Place: Hawaii State Capitol, Room 225  
Re: Testimony in **STRONG SUPPORT** of SB896

Dear Chair Joy San Buenaventura and Vice-Chair Henry Aquino and Members of the HHS Committee; Chair Jarrett Keohokalole and Vice-Chair Carol Fukunaga and Members of the CPN Committee:

Members of AAUW of Hawaii thank you for this opportunity to testify in **STRONG SUPPORT** of SB896, which provides strong and needed protection for both patients and medical providers of reproductive health care.

Since **Roe v. Wade** (1973) was overturned by **Dobbs v. Jackson** (2022)\*, SB896 would provide, *inter alia*, needed protection for Hawai'i's medical providers in order that a Hawai'i patient—yourself, your daughter, your granddaughter, your wife, your partner—has the **fundamental right** (1970 in Hawai'i) and **continued ability** to make reproductive health care decision about one's own body and to decide whether to bear a child or obtain an abortion **here** in Hawai'i. It is clear that if our medical providers are not protected by limiting cooperation with other states in investigations, proceedings, or warrants involving the provision of reproductive health care services in Hawai'i, we will **definitely lose our medical providers to other states that provide them the needed protections** that are outlined in this well-thought out and comprehensive bill. Accordingly, AAUW respectfully urges the passage of SB896.

Sincerely,  
Elizabeth Jubin Fujiwara, Esq.  
Public Policy Committee, AAUW of Hawaii  
[publicpolicy-hi@aauw.net](mailto:publicpolicy-hi@aauw.net)

\*For more information on the background and understanding of these issues, listen to the podcast on khon2.com & Facebook: Coralie Chun Matayoshi & E.J. Fujiwara, **“Do abortion rights now depend on where you live?”** See also Elizabeth Jubin Fujiwara, **“Insight: Post-Roe America would take women back to being second-class citizens”**, Star-Advertiser (5/8/22); The Conversation: Abortion History in Hawai'i, HPR (5/12/22).

*The American Association of University Women (AAUW) of Hawaii is an all-volunteer, statewide chapter of a national organization and is made up of six branches: Hilo, Honolulu, Kaula 'i, Kona, Maui, and Windward Oahu. UH Hilo, UH Manoa, UH Maui College, and Windward Community College are also AAUW partners. AAUW's mission is to advance gender equity for equal opportunities in education, at workplace and for economic security, and in leadership.*





## TESTIMONY IN STRONG SUPPORT OF SENATE BILL 896

Wednesday, February 1, 2023  
Conference Room 225 & Videoconference

To: The Honorable Joy A. San Buenaventura, Chair  
The Honorable Henry J.C. Aquino, Vice Chair  
Members of the Senate Committee on Health and Human Services

The Honorable Jarrett Keohokalole, Chair  
The Honorable Carol Fukunaga, Vice Chair  
Members of the Senate Committee on Commerce and Consumer Affairs

From: The Hawai'i Friends of Civil Rights  
Co-Chairs Amy Agbayani and Pat McManaman

The Hawai'i Friends of Civil Rights works to achieve equity, justice, inclusion, uphold civil rights, and eliminate discrimination.

We offer **Strong Support** for S.B. 896. Section 1 of the bill clearly and persuasively articulates Hawai'i's 53 year history of protecting the right to abortion and provides a strong defense against attacks that may arise against the proposal based on the Full Faith and Credit Provisions found in the United States Constitution.

The remaining sections of the bill provide specific equitable and legal remedies to shield individuals, partnerships, associations, limited liability companies, and corporations from foreign actors seeking to enforce the laws of their home state(s) against Hawai'i abortion service providers who provide abortion services to out-of-state residents.

Hawaii has been and remains at the forefront of efforts to protect and expand access to reproductive health care. In 1970, three years before the U.S. Supreme Court decision in *Roe v. Wade*, Hawai'i became the first state in the nation to decriminalize and protect a person's right to abortion. Eight years later, the right to privacy was enshrined in the Hawai'i Constitution, and the Constitutional Convention Committee Report found, "[t]his privacy concept encompasses the notion that in certain highly personal and intimate matters, the individual should be afforded freedom of choice absent a compelling state interest."

As such, S.B. 896 is an extension of Hawai'i's strong support for abortion and reproductive health. It sends a clear message that we will not cooperate with foreign states or individuals that attempt to prosecute or enforce judgements against persons and service providers who receive or provide reproductive healthcare in Hawai'i. Similar bills have passed in California, Connecticut, New York, and Washington with legislation pending in New Jersey.

Thank you for the opportunity to testify on S.B. 896.

**SB-896**

Submitted on: 1/27/2023 7:55:04 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Pride at Work - Hawaii	Testifying for Pride @ Work - Hawaii	Support	Written Testimony Only

Comments:

Aloha Senators,

Pride at Work – Hawai‘i is an official chapter of Pride At Work which is a national nonprofit organization that represents LGBTQIA+ union members and their allies. P@W-HI fully supports SB 896.

We ask that you support this needed piece of legislation.

Mahalo,

Pride at Work – Hawai‘i



**HAWAII MEDICAL ASSOCIATION**

1360 S. Beretania Street, Suite 200, Honolulu, Hawaii 96814  
Phone (808) 536-7702 Fax (808) 528-2376  
www.hawaiimedicalassociation.org

**SENATE COMMITTEE ON HEALTH & HUMAN SERVICES**

Senator Joy A San Buenaventura, Chair

Senator Henry JC Aquino, Vice Chair

**SENATE COMMITTEE ON COMMERCE & CONSUMER PROTECTION**

Senator Jarrett Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

Date: February 1, 2023

From: Hawaii Medical Association

Beth England MD, Co-Chair, HMA Public Policy Committee

**Re: SB 896 Relating to Reproductive Health Care.**

**Position: Support**

This measure codifies individual rights to equality, liberty, and privacy with regard to reproductive healthcare decisions within the state boundaries. It prohibits state action against a person for aiding or assisting a pregnant individual accessing reproductive health care services in accordance with the law and with the pregnant individual's voluntary consent.

HMA strongly supports this measure that reiterates state policy, protecting physicians who meet their ethical duties to patient's health and well-being while following clinical guidelines and complying with state regulations.

Thank you for allowing the Hawaii Medical Association to testify in support of this measure.

References and Quick Links:

Preserving Access to Reproductive Health Services. [American Medical Association 2022.](#)

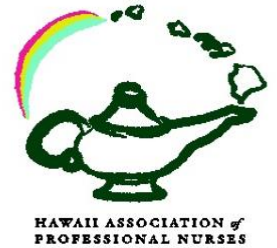
Brubaker L, Bibbins-Domingo K. Health Care Access and Reproductive Rights. JAMA. 2022;328(17):1707–1709. [doi:10.1001/jama.2022.19172](https://doi.org/10.1001/jama.2022.19172)

Crear-Perry J, Hassan A, Daniel S. Advancing Birth Equity in a Post-Dobbs US. JAMA. 2022;328(17):1689–1690. [doi:10.1001/jama.2022.19468](https://doi.org/10.1001/jama.2022.19468)

**HMA OFFICERS**

President – Angela Pratt, MD President-Elect – Elizabeth Ann Ignacio, MD  
Immediate Past President – Michael Champion, MD Treasurer – Nadine Tenn Salle, MD  
Secretary – Thomas Kosasa, MD Executive Director – Marc Alexander

## Hawai'i Association of Professional Nurses (HAPN)



To: The Honorable Senator Joy San Buenaventura, Chair of the Senate Committee on Health and Human Services; and The Honorable Senator Jarrett Keohokalole, Chair of the Senate Committee on Commerce and Consumer Protection

From: Hawaii Association of Professional Nurses (HAPN)  
Subject: SB896 – Relating to Reproductive Health Care, in Support

Hearing: February 1, 2023, 1:10p.m.

Aloha Senator San Buenaventura, Chair; Senator Aquino, Vice Chair; Senator Keohokalole, Chair; Senator Fukunaga and Committee Members,

Thank you for the opportunity to submit testimony regarding SB896. HAPN stands with the American College of Obstetricians and Gynecologists – Hawaii, Guam, and American Samoa Section and other organizations in support of this bill. HAPN believes that healthcare access in Hawaii is at a point where provider supply is not in line with healthcare demand. As such, HAPN is in **strong Support** of protecting those who seek and provide abortion services from laws from other states that counter the wise policies regarding abortion law in Hawaii.

Our organization has always supported patient access to care in our communities. We also believe that our patients and providers need protection from challenges from other states' law. We believe that legal protection for patients, those who assist, and those who perform important health care services require this protection.

Hawaii has always protected reproductive rights and Governor Ige's Executive Order 22-05 supported the continuation of these protections. In June 2022, the United States Supreme Court changed 50 years of a constitutionally protected right to bodily autonomy. States have enacted damaging laws that significantly impact reproductive health providers, but also impacts those providers who are involved in the care of someone who is pregnant at any point in their journey. At this time, seven other states have enacted similar laws protecting health care providers.

HAPN's mission, to be the voice of APRNs in Hawaii, has been the guiding force that propelled us to spearhead the advancement of patients access to healthcare as well as supporting the recognition of the scope of practice for APRNs in Hawaii which led us to full practice authority. We have worked to improve the physical and mental health of our communities. As our ability to provide close care with our patients progressed, we also opened up our own clinics to provide the care our patients deserve. APRNs have played an important role in the healthcare of our communities and we will continue to be by our patients' side as they make many different healthcare decisions throughout their lives.

HAPN respectfully asks your Committees to pass SB896. Thank you for the opportunity to share the perspective of HAPN with your committee. Thank you for your enduring support of the nursing profession in the Aloha State.

Respectfully,

# Hawai'i Association of Professional Nurses (HAPN)

Dr. Jeremy Creekmore, APRN  
HAPN President

Dr. Bradley Kuo, APRN  
HAPN Legislative Committee, Chair  
HAPN Past President



**SB-896**

Submitted on: 1/27/2023 5:39:52 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mike Golojuch, Sr.	Testifying for Rainbow Family 808	Support	Written Testimony Only

Comments:

We support SB896.

Mike Golojuch, Jr., Secretary/Board Member



January 30, 2023

Senator Joy A. San Buenaventura, Chair  
Senate Committee on Health and Human Services

Senator Keohokalole, Chair  
Senate Committee on Commerce and Consumer Protection

**Re: S.B. 896 Relating to Reproductive Health Care**

**Hearing: Wednesday, February 1, 2023, 1:10 PM, Room 225 & Via  
Videoconference**

Dear Chair San Buenaventura, Chair Keohokalole, and the Members of the Committees on Health and Human Services and Commerce and Consumer Protection:

Hawaii Women Lawyers is a lawyer's trade organization that aims to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

Hawaii Women Lawyers submits testimony in **strong support of S.B. 896**, which seeks to expand and codify the provisions of former Governor Ige's Executive Order 22-5, dated October 11, 2022, which limits the State of Hawai'i's cooperation with other states in investigations, proceedings, or warrants involving the provision of reproductive health care services in Hawai'i, if such provision is legal in Hawai'i.

When *Dobbs v. Jackson Women's Health Organization* overruled *Roe v. Wade* and *Planned Parenthood of Southeastern Pennsylvania v. Casey*, millions of women around the country lost the protections of nearly fifty years of federal precedent regarding reproductive rights overnight. Our worst nightmares became reality as the most basic right a person can have – the right to bodily autonomy – was stripped away with the stroke of a pen.

In the nightmarish aftermath of *Dobbs*, certain states have pursued the unthinkable – criminalizing not only a person's right to choose, but also seeking to impose civil and criminal liability on those medical professionals who have fought to provide critical reproductive health care services outside of these states' borders.

Medical providers hold a unique and hallowed place in our society. They are oath bound to provide care, regardless of class, wealth, nationality, or personal politics. In seeking to punish these providers for providing critical care to individuals seeking to exercise the fundamental right to make their own reproductive health care decisions and the right of



each individual to decide whether to bear a child or obtain an abortion, these states have placed the medical and, by extension, the judiciary in a horrific position.

S.B. 896 aims to not only codify the provisions of Executive Order 22-5, but also expands protections for medical providers in connection with their services relating to pregnancy, contraception, or the termination of a pregnancy so long as the provision or assistance in such services is in accordance with the laws of Hawai'i.

Hawaii Women Lawyers concurs with the Legislature's findings that it is imperative to reiterate and bolster Hawai'i's policies with respect to protecting and affirming an individual's right to privacy and bodily autonomy within our state's boundaries. Hawaii Women Lawyers further commends and thanks the Legislature for prioritizing the fundamental rights of equality, liberty, and privacy guaranteed under the Hawai'i State Constitution and for affirming that the same include the right of each individual to make reproductive health care decisions about their own body and the right to decide whether to bear a child or obtain an abortion. S.B. 896 is a critical step in the fight to protecting all individuals within Hawai'i's borders from the unprecedented over-reach of those states seeking to curtail an individual's freedom of choice.

We also want to take this opportunity to make reference to and reiterate our testimony regarding S.B. 1, Relating to Healthcare, which proposes to update Hawai'i's abortion statute and provide additional protection for medical providers who perform abortions, as it is set for hearing with these committees concurrent with S.B. 896. As noted therein, while we support the intent of S.B. 1, we respectfully request that the language in S.B. 1 relating to civil and criminal penalty enforcement (page 2, line 15-page 4, line 2) be removed and that S.B. 896 be passed instead.

For the above reasons, we strongly support S.B. 896 and respectfully request that the Committees pass this measure.

Thank you for the opportunity to testify in strong support of this measure

**SB-896**

Submitted on: 1/29/2023 9:50:32 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lea Minton	Testifying for Midwives Alliance of Hawaii	Support	Written Testimony Only

Comments:

Midwives Alliance of Hawaii stands in strong support of SB896 and urges Health and Human Services and Commerce and Consumer Protection committes to pass this bill. It is imperative that all persons seeking healthcare services have protections for bodily autonomy and privacy.

Thank you for this opportunity to testify.

Mahalo,

Midwives Alliance of Hawaii



January 31, 2023

To: Senate Committee on Health and Human Services and Commerce and Consumer Protection

Date: Wednesday, February 8, 2023, at 1:00PM

From: Hawaii Democratic Party Women's Caucus

Subject: Testimony in Support of SB896 Relating to Health Care

Thank you for the opportunity to provide testimony in support of this bill.

Last year, America's women and their health care providers lost Federal protections that assured both privacy and access to abortion. State laws now need to provide those protections, but sadly some states have instituted punitive laws that restrict or prohibit access to abortion and other needed reproductive health care.

SB896 will protect health care workers and patients from states whose laws are inconsistent with Hawaii's constitutional protection of privacy and right to bodily autonomy. In Hawaii, patients and their doctors make health care decisions and need protection from hostile out-of-state laws that threaten care in Hawaii.

Passage of SB896 is much needed. Please pass it at your earliest opportunity.

Me ke aloha pumehana,  
Amy Monk  
Nicole Woo  
(Co-Chairs)  
Hawai'i State Democratic Women's Caucus

**SB-896**

Submitted on: 1/30/2023 11:57:50 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Doris Segal Matsunaga	Testifying for Save Medicaid Hawaii	Support	Written Testimony Only

Comments:

Aloha,

Save Medicaid Hawaii supports SB896. It is vital to strengthen Hawaii's abortion protection laws in order to continue our state's tradition of valuing family freedoms, personal privacy and full reproductive health care.

Doris Segal Matsunaga

On behalf of Save Medicaid Hawaii



February 1, 2023

The Honorable Joy A. San Buenaventura, Chair  
The Honorable Henry J.C. Aquino, Vice Chair  
Senate Committee on Health and Human Services

The Honorable Jarrett Keohokalole, Chair  
The Honorable Carol Fukunaga, Vice Chair  
Senate Committee on Commerce and Consumer Protection

**Senate Bill 896 – Relating to Reproductive Health Care**

Dear Chair San Buenaventura, Chair Keohokalole, Vice Chair Aquino, Vice Chair Fukunaga, and Members of the Committees:

The Hawaii Association of Health Plans (HAHP) appreciates the opportunity to testify in support of SB 896. HAHP is a statewide partnership of Hawaii’s health plans and affiliated organizations to improve the health of Hawaii’s communities together. The vast majority of Hawaii residents receive their health coverage through a health plan associated with one of our organizations.

HAHP encourages continued access to quality, medically necessary health care that promotes optimal health outcomes for each of our members and our community at-large. This includes access that is upheld by current state law for legal abortions and to support a female’s right to choose. HAHP supports the legislature’s intent to provide protections for reproductive care providers and patients.

Thank you for allowing us to provide testimony in **support** of SB 896.

Sincerely,

HAHP Public Policy Committee

cc: HAHP Board Members

[hahp.org](http://hahp.org) | 818 Keeaumoku St., Honolulu, HI 96814 | [info@hahp.org](mailto:info@hahp.org)

AlohaCare | HMAA | HMSA | Humana | HWMG | Kaiser Permanente | MDX Hawaii | Ohana Health Plan | UHA Health Insurance | UnitedHealthcare



**February 1, 2023 at 1:10 pm**  
**Conference Room 225**

**Senate Committee on Health and Human Services**

To: Chair Joy A. San Buenaventura  
Vice Chair Henry J.C. Aquino

**Senate Committee on Commerce and Consumer Protection**

To: Chair Jarrett Keohokalole  
Vice Chair Carol Fukunaga

From: Paige Heckathorn Choy  
Associate Vice President, Government Affairs  
Healthcare Association of Hawaii

**Re: Support for Strengthening Protections for Healthcare Providers**  
**SB 896, Relating to Reproductive Health Care**

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 170 member organizations who represent almost every aspect of the healthcare continuum in Hawaii. Members include acute care hospitals, skilled nursing facilities, home health agencies, hospices, assisted living facilities and durable medical equipment suppliers. In addition to providing access to appropriate, affordable, high-quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing more than 30,000 people statewide.

Thank you for the opportunity to **support** strengthened protections for providers when providing reproductive health services, especially against action brought by other states for services that are legal to perform in Hawaii. We were and continue to be supportive of Governor David Ige's executive order shielding providers from other states' restrictive laws, and appreciate that the legislature is seeking to codify many of the policies enumerated in that order.

This measure focuses entirely on shielding providers in a comprehensive manner against action brought by other states, and we appreciate the breadth of situations covered. There have already been documented cases where individual states will attempt to penalize providers for their involvement in reproductive health services, even if the services are legal in the state they are provided. It is not a hypothetical threat, and we are grateful that the state is seeking to shield providers for doing what is best for their patients. Thank you for the opportunity to comment on this important matter.



February 1, 2023

The Honorable Joy A. San Buenaventura, Chair  
The Honorable Henry J.C. Aquino, Vice Chair  
Senate Committee on Health and Human Services

The Honorable Jarrett Keohokalole, Chair  
The Honorable Carol Fukunaga, Vice Chair  
Senate Committee on Commerce and Consumer Protection

**Re: SB 896 – Relating to Health Care**

Dear Chair San Buenaventura, Chair Keohokalole, Vice Chair Aquino, Vice Chair Fukunaga,  
and Members of the Committees:

Hawaii Medical Service Association (HMSA) supports the intent of SB 896, which prohibits certain disclosures, sharing of information, and subpoenas relating to out-of-state investigations or proceedings regarding reproductive health care services legally performed in the State and puts in place protections for health care providers

We support improving access to quality health care services, reproductive choice the importance of allowing Hawaii's physician assistants and other health care practitioners to confidently practice within the scope of their license, and privacy and the prohibitions against the improper use and disclosure of personal health information. It's important to protect Hawaii's health care providers from out-of-state civil and criminal actions, not consistent with Hawaii state law, so that they can confidently provide care that's in the best interest of their patients.

However, as written, we have concerns that the language in this bill could conflict with the requirements imposed by HIPAA on health plans and other covered entities. We respectfully request the opportunity to work with Chair and stakeholders to address these issues prior to decision making.

Thank you for the opportunity to provide comments on SB 896.

Sincerely,

Dawn Kurisu  
Assistant Vice President  
Community and Government Relations

**SB-896**

Submitted on: 1/31/2023 12:10:32 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shandhini Raidoo	Individual	Support	In Person

Comments:

Aloha,

I am a board-certified obstetrician-gynecologist and a complex family specialist. I provide comprehensive reproductive health care including abortion care. SB896 protects healthcare providers like me and my colleagues as we provide critically important abortion care to our community and to people who travel to Hawaii seeking care.

Lawmakers in conservative states have threatened to pursue legal action against abortion providers in states like ours where abortion is legal. SB896 reinforces that Hawaii affirms the right of people to choose an abortion and protects the abortion providers who care for people when they need an abortion.

I strongly urge you to SUPPORT SB896 and continue Hawaii's legacy of upholding the rights of privacy and bodily autonomy.

Mahalo for your consideration,

Shandhini Raidoo, MD, MPH



**SB-896**

Submitted on: 1/29/2023 9:02:00 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dani Mathisen	Individual	Support	In Person

Comments:

My name is Dr. Dani Mathisen and in my fourth year of medical school, my husband and I were blessed with a miracle pregnancy. Everything went well. I was young, I took my vitamins, I never missed an appointment and our prenatal testing came back normal. At our anatomy scan, however, we learned that my daughter had multiple lethal fetal anomalies. Senate Bill 8 had just passed in Texas and we were unable to receive counseling on options more or less actual care. We turned to Dr. Google for advice and had to call multiple clinics before we found someone with availability to see us. This clinic was >600 miles from my home and we had to get on a plane the next day. What we did was completely legal in the state we went to, but we still lived in fear that our decision would come back to penalize us back in our home state. Having to leave my home was traumatizing enough, but worrying that state laws could pass state lines added that much more trauma and stress. I support SB896 so that other pregnant people like me don't have to suffer from the added stress of sharing personal medical decisions across state lines that could then penalize them. Such action violates provider and patient confidentiality and creates further barriers to an already difficult journey to navigate.

**SB-896**

Submitted on: 1/30/2023 10:08:54 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tracy Chen	Individual	Support	In Person

Comments:

I am a Complex Family Planning Fellow of the University of Hawai'i's Department of OBGYN. I completed my OBGYN residency in Philadelphia, Pennsylvania, and am currently undergoing a two-year fellowship at the University of Hawai'i to become a subspecialist in complex contraception and abortion care. When I was applying for fellowship, the University of Hawai'i was my number-one choice because of the state's legacy of protecting abortion access, which was personified in its providers and the passion and dedication I saw from them on a national stage.

Because of the university's reputation in the field of complex family planning, based on Hawai'i's legacy, the University of Hawai'i draws top applicants for both medical school and residency. Training and education in this area has historically been difficult to access, and is expected to become even more difficult in the coming years due to the Supreme Court decision in *Dobbs v. Jackson*. This new generation of trainees, of which I am a part, is passionate and committed to providing the full spectrum of reproductive healthcare, including abortion. By showing the rest of the country that Hawai'i continues to be a leader in reproductive rights, we will continue to attract the top recruits to the state in fields like obstetrics and gynecology and family practice.

SB896 provides critical and timely protections to prevent legal actions against our healthcare providers and patients in Hawai'i, from other states who seek to impose their punitive abortion laws on abortion care legally provided here. SB896 properly reinforces that such hostile laws by foreign states are contrary to the public policy and state constitutional right of privacy in Hawai'i.

I think of the patient that I saw recently, who was on island visiting her family and just so happened to find out that she was pregnant a mere three days before she, along with her partner and toddler, was supposed to fly back to her home state. Continuing this pregnancy was not the right decision for her or her family, but abortion would not be an option for her once she left Hawai'i, and so she and her partner were left scrambling for appointments. Thankfully, she was able to make an appointment with our office and get the care she needed before her flight back.

This patient reminded me that the people of Hawai'i don't all live in Hawai'i. Many of them live on the mainland, and look forward to reuniting with their family and the beautiful weather during the holidays and birthdays, and every other day of the year. They deserve care just as their family who lives here does, and myself and other healthcare providers deserve to be able to take care of

them without fear of civil lawsuits, criminal prosecution, and disciplinary action from foreign states, just for providing care that is fully legal in this state.

I urge you to pass SB 896.

**SB-896**

Submitted on: 1/30/2023 1:23:54 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Bliss Kaneshiro	Individual	Support	In Person

Comments:

I am an OB/GYN in Hawaii who has been practicing here for the last 16 years. I am licensed in both Hawaii and Guam and provide medical care here in Hawaii. Through telemedicine I am also able to provide medical care to patients in Guam. Simply stated - abortion access is essential to the wellbeing of Hawaii's families.

SB 896 provides protections to prevent legal actions against our healthcare providers and patients in Hawaii, from other states who seek to impose their punitive abortion laws on abortion care legally provided in Hawaii.

Lawmakers in several states have stated they will introduce bills that would threaten access to abortion in other states, like Hawaii. Civil law suits, criminal prosecution and disciplinary action against healthcare providers should not be threatened against providers who provide abortion services that are fully legal in Hawaii.

Last month I took care of a patient who traveled from Oklahoma for abortion care. Though it took considerable time and expense for her to travel here – she and her husband were both from Hawaii and had moved to Oklahoma for work. She has family here so she felt like she had a support system here. This was a planned and strongly desired pregnancy but the pregnancy had a severe anomaly. Though the travel made the situation even more stressful, she was grateful to be able to receive care in Hawaii.

Lack of protections for providers will limit abortion access here in Hawaii. Access is already tenuous with many OBGYNs deciding not to provide abortion care. Just one civil suit or threat of criminal prosecution will make some providers decide not to care for patients traveling from other places.

I urge you to pass SB896

Bliss Kaneshiro

**SB-896**

Submitted on: 1/31/2023 12:22:15 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Renee Rabb	Individual	Support	Written Testimony Only

Comments:

SB896 is one of the most important pieces of legislation that we can pass to insure that women across the nation have safe harbor for their reproductive health. We need to protect health care providers in Hawaii from attacks by states that do not value women's reproductive choices. While so much is yet unsettled in the aftermath of the recent Supreme Court decision, states like Hawaii must protect the rights of women to control their own bodies.

Please pass SB896. Senator San Buenaventura is to be commended for her support for women throughout the country.

Renee Rabb

Keaau, HI 96749

District 4, Precinct 2

**SB-896**

Submitted on: 1/31/2023 12:18:34 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jenny Silbiger	Individual	Support	Written Testimony Only

Comments:

**Re: SB 896: SUPPORT**

**To Whom It May Concern:**

- SB 896 provides new protections to prevent adverse legal actions against our providers and patients in Hawaii, from other states who seek to impose their punitive abortion laws on abortion care legally provided in Hawaii.
- Texas and other states are passing laws seeking to penalize abortion care provided in Hawaii, by threats of civil law suits, criminal prosecution, disciplinary action against medical providers, for performing abortion services that are fully legal in Hawaii.
- SB896 protects providers and patients in regards to abortions performed in Hawaii that are performed in compliance with Hawaii’s laws, and directs our court and other governmental officials not to enforce foreign states laws that are hostile to Hawaii’s rights of abortion and reproductive health services.
- SB896 properly declares that such hostile laws by foreign states are contrary to the public policy and state constitutional right of privacy in Hawaii.

Therefore, I submit testimony in SUPPORT of SB896.

Mahalo,

Jenny Silbiger

**SB-896**

Submitted on: 1/31/2023 11:29:01 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nancy Yang	Individual	Support	Written Testimony Only

Comments:

I am an OB/GYN in training on Oahu, Hawaii, and I know firsthand that access to abortion care is essential not only to promote the wellbeing of families in Hawai'i, but also to reduce pregnancy related illness and death.

SB896 provides critical and timely protections for healthcare providers and patients in Hawaii, from punitive laws in other states. Lawmakers in conservative states have threatened to impose their laws on health providers that legally perform abortion care in Hawai'i. I think of a patient I took care of who was traveling from out of state, and was diagnosed with an ectopic pregnancy while on Oahu, who needed emergency surgery due to lifethreatening bleeding despite that it was a pregnancy she very much wanted. I've taken care of many other patients who have had complications that made their pregnancies difficult to continue. Now in conservative states, the procedures and medical treatments that are standard of care for managing pregnancy complications *and* fully legal in Hawai'i may be considered illegal, and punishable by law. This has created an environment of fear where health providers in those states are unwilling to provide standard of care for their patients, who then suffer and have lifethreatening complications.

As an OBGYN in training, I do not want to provide substandard care to my patients. The abortion protections in Hawai'i is one of the reasons I chose to train here, and why I hope to continue to practice here. But more must be done to ensure the hostile law of other states do not affect the quality of reproductive care we provide in Hawai'i. SB896 properly reinforces that such hostile laws by other states are contrary to the public policy and state constitutional right of privacy in Hawaii.

I strongly urge you to pass SB896.

**SB-896**

Submitted on: 1/27/2023 6:27:55 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
lynne matusow	Individual	Support	Written Testimony Only

Comments:

full support. women and others aiding abortions should not be treated as criminals.



**SB-896**

Submitted on: 1/28/2023 3:06:08 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Deborah G. Nehmad	Individual	Support	Written Testimony Only

Comments:

This is a very important bill that protected women from the lunacy of vigilantes in other states trying to impact Hawaii's commitment to protecting women's reproductive freedom and rights.

thank you

deb nehmad

**SB-896**

Submitted on: 1/29/2023 11:55:00 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mirtha Oliveros	Individual	Support	Written Testimony Only

Comments:

SB896 protects providers and patients in regards to abortions performed in Hawaii that are performed in compliance with Hawaii's laws, and directs our court and other governmental officials not to enforce foreign states laws that are hostile to Hawaii's rights of abortion and reproductive health services.

- SB896 properly declares that such hostile laws by foreign states are contrary to the public policy and state constitutional right of privacy in Hawaii.

**SB-896**

Submitted on: 1/29/2023 12:46:44 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jennifer Taylor	Individual	Support	Written Testimony Only

Comments:

I beg the legislature to enact SB896. Across this country women's rights have been trampled by extremist courts and elected officials. Hawaii has stood for more than fifty years as the state that value's the right to privacy in seeking medical care. Now we need to protect that right vigorously. No state that seeks to persecute and prosecute patients and providers can be allowed to pursue their wrongful agendas in this state. Please enact this critical bill.

**SB-896**

Submitted on: 1/29/2023 4:50:43 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Steve Glanstein	Individual	Support	Written Testimony Only

Comments:

This is my shortest testimony in years: Strongly support. Imua Hawaii!

**SB-896**

Submitted on: 1/29/2023 8:19:10 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Esther Geil	Individual	Support	Written Testimony Only

Comments:

Please pass this important bill to safeguard our freedoms and the safety of the medical personnel who serve us. Thank you!

**SB-896**

Submitted on: 1/29/2023 9:29:51 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Yvonne Lau	Individual	Support	Written Testimony Only

Comments:

Chair San Buenaventura, Vice Chair Aquino, and members of the Committee on Health and Human Services,

Chair Keohokalole, Vice Chair Fukunaga, and members of the Committee on Commerce and Consumer Protection,

I write in **STRONG SUPPORT** of SB 896. Despite Hawaii's national leadership in protecting a woman's right to choose, the recent U.S. Supreme Court decision in the Dobbs case has impacted our state and we must take action now to update and strengthen our laws to ensure safe and legal access to abortion and reproductive health care for all patients and prevent adverse legal actions against our providers and patients in Hawaii from other states who seek to impose their punitive abortion laws on abortion care legally provided in Hawaii. I urge you to pass this bill as it properly declares that such hostile laws by foreign states are contrary to the public policy and state constitutional right of privacy in Hawaii.

**SB-896**

Submitted on: 1/30/2023 10:38:08 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
ELIZABETH K TAITANO	Individual	Support	Written Testimony Only

## Comments:

The right to bodily autonomy must be preserved regardless of sex or gender. The tragic real-life consequences of failing to provide legal protection of this right have been documented. The reversal of 50 years of law ensuring this legal right for women (and their families) is clearly also a failure of the courts to abide by the separation of church and state, resulting in the imposition of the tenets of one religious minority upon the entire US population, and perpetuates a form of discrimination as well as religious bias.

**SB-896**

Submitted on: 1/29/2023 10:44:19 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sara Harris	Individual	Support	Written Testimony Only

Comments:

I am an OBGYN in Hawaii and practice in Central Oahu. I have been in practice for 5 years, and I know firsthand the importance of access to abortion care in not only promoting the wellbeing of Hawaii's families, but in reducing pregnancy-related illness and death.

SB896 provides critical and timely protections to prevent legal actions against our healthcare providers and patients in Hawaii, from other states who seek to impose their punitive abortion laws on abortion care legally provided in Hawaii.

Lawmakers in conservative states have threatened to introduce bills to penalize abortion care provided in Hawaii, by threats of civil law suits, criminal prosecution, disciplinary action against healthcare providers, for performing abortion services that are fully legal in Hawaii.

SB896 properly reinforces that such hostile laws by foreign states are contrary to the public policy and state constitutional right of privacy in Hawaii.

I think of a patient I once took care of who had a complicated delivery. She lost a lot of blood and needed a blood transfusion. She left the hospital feeling grateful to be alive. Four months later, she found out she was pregnant again. She was terrified to re-live the trauma of her recent delivery and elected to have an abortion. She again felt so grateful that this option was available to her.

I urge you to pass SB896 for this patient and others like her.

Respectfully submitted,

Sara C. Harris, MD



**SB-896**

Submitted on: 1/31/2023 11:08:28 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Taurie Kinoshita	Individual	Support	Written Testimony Only

Comments:

I strongly urge you to pass SB 896. Cooperation with other states' investigations and proceedings about the abortion care and prohibiting medical licensure boards from taking adverse action against providers who provide abortion care that is legal in Hawai'i are crucial protections. Please pass SB 896 and assure this vital rights are protected. Thank you for your consideration. Sincerely, Taurie Kinoshita

**SB-896**

Submitted on: 1/30/2023 9:52:52 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Raulette Carson	Individual	Support	Written Testimony Only

## Comments:

I support SB896 because we cannot allow other states to tell Hawaii what to do about any subject, especially about women's reproductive rights. I support our laws whole heartedly and agree that they should be strengthened in light of the attacks on laws concerning women's reproductive rights. Please pass SB896 to ensure that my granddaughters will have stronger rights that we now have and their female children, should they have any, can look forward to the same rights. Women should always have the right to determine what happens to their bodies. Thank you for hearing this testimony. Mahalo, Raulette Lee Carson

**SB-896**

Submitted on: 1/31/2023 11:49:10 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sherry Broder	Individual	Support	Written Testimony Only

Comments:

Aloha, I support SB 896 and I join in the written testimony of Ellen Carson on the importance of this proposal.

**SB-896**

Submitted on: 1/30/2023 8:06:40 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cory Harden	Individual	Support	Written Testimony Only

Comments:

Aloha legislators,

If abortion is restricted and/or criminalized, women will be harmed, and killed, by illegal abortions, and by restrictions on ending dangerous pregnancies.

mahalo, Cory Harden

**SB-896**

Submitted on: 1/31/2023 11:14:28 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sharon R Keith	Individual	Support	Written Testimony Only

Comments:

- SB896 provides new protections to prevent adverse legal actions against our providers and patients in Hawaii, from other states who seek to impose their punitive abortion laws on abortion care legally provided in Hawaii.
- Texas and other states are passing laws seeking to penalize abortion care provided in Hawaii, by threats of civil law suits, criminal prosecution, disciplinary action against medical providers, for performing abortion services that are fully legal in Hawaii.
- SB896 protects providers and patients in regards to abortions performed in Hawaii that are performed in compliance with Hawaii's laws, and directs our court and other governmental officials not to enforce foreign states laws that are hostile to Hawaii's rights of abortion and reproductive health services.
- SB896 properly declares that such hostile laws by foreign states are contrary to the public policy and state constitutional right of privacy in Hawaii.

**SB-896**

Submitted on: 1/30/2023 1:03:48 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
nancy sidun	Individual	Support	Written Testimony Only

Comments:

I am in **full support of SB896** as it provides new protections to prevent adverse legal actions against our providers and patients in Hawaii, from other states who seek to impose their punitive abortion laws on abortion care legally provided in Hawaii. I am gravely concerned that Texas along with other states are passing laws seeking to penalize abortion care provided in Hawaii, by threats of civil lawsuits, criminal prosecution, disciplinary action against medical providers, for performing abortion services that are fully legal in Hawaii. SB896 protects providers and patients in regard to abortions performed in Hawaii that are performed in compliance with Hawaii's laws, and directs our court and other governmental officials not to enforce foreign states laws that are hostile to Hawaii's rights of abortion and reproductive health services. SB896 properly declares that such hostile laws by foreign states are contrary to the public policy and state constitutional right of privacy in Hawaii.

**SB-896**

Submitted on: 1/31/2023 11:11:00 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
MJL	Individual	Support	Written Testimony Only

Comments:

January 30, 2023

To: Senate Health & Human Services Committee and Commerce & Consumer Protection Committees

From: Men-Jean Lee, MD, FACOG

Re: SB 896 – Relating to Reproductive Health Care

Position: Strongly Support

As an Obstetrician/Gynecologist who has practiced in Hawaii for the past 5 years - I have firsthand knowledge of the importance of access to abortion care in promoting the health and wellbeing of Hawaii’s women and families, as well as in reducing pregnancy-related illness and death. As a High Risk Pregnancy specialist, I also provide care to pregnant tourists and pregnant women who live across the Pacific Islands who travel to Hawaii for their health care, which sometimes include giving bad news or counseling patients about devastating situations about a much wanted pregnancy.

SB896 provides critical and timely protections to prevent legal actions against Hawaii’s healthcare providers and patients from other states that seek to impose their punitive abortion laws on abortion care legally provided in Hawaii. Lawmakers in other states have threatened to introduce bills to penalize abortion care provided in Hawaii via threats of civil lawsuits, criminal prosecution, and disciplinary action against healthcare providers for performing lawful abortion services in Hawaii. Lawmakers in these states have even threatened patients who may travel to other states such as Hawaii and have care provided there, with criminal prosecution. SB896 reinforces that such laws by other states are contrary to Hawaii’s public policy and the state constitutional right of privacy in Hawaii.

Access to abortion care is a part of health care. I have cared for pregnant tourists who travel to Hawaii as well as many pregnant Hawaii residents who unfortunately have serious and unexpected life-threatening complications in their pregnancy such maternal heart failure, stroke, metastatic cancer and other life-threatening medical conditions which require emergency abortion services to save their life. I am grateful that we have been able to appropriately care for the many pregnancy complications that can arise to save lives and prevent permanent injury - however I am very concerned that other states may now hamper Hawaii’s ability to continue to provide complete and excellent Women’s Healthcare which includes access to abortion care.

I strongly urge you to pass SB 896 so that we can continue saving the lives of women and mothers and families across Hawaii.  
Mahalo for supporting the health of our local communities!



**SB-896**

Submitted on: 1/30/2023 11:18:35 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carla Allison	Individual	Support	Written Testimony Only

Comments:

My name is Carla Allison and I strongly support SB896. Now that we have no federal protections we must update our state laws to ensure safe and legal access to abortion for all people in Hawaii. Our children, grand children and all future generations depend on us taking action now to protect abortion rights in Hawaii. Please support SB896 to ensure a future of health care of choice in Hawaii.

**SB-896**

Submitted on: 1/30/2023 9:54:32 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cristina Bacchilega	Individual	Support	Written Testimony Only

Comments:

It is so important to protect health providers and patients from legal action from other states where providing and receiving abortion care is punished. In Hawai'i we have a long and strong history of supporting reproductive rights. No to outside interference in this practice! Please pass SB896!

**SB-896**

Submitted on: 1/30/2023 12:50:52 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Susan Jaworowski	Individual	Support	Written Testimony Only

## Comments:

Hawaii's State Constitution provides an explicit right to privacy that the US Constitution does not. Hawaii needs to take active steps to protect women's right to privacy to choose to terminate an unwanted pregnancy, especially in light of the threat to that right by the recent US Supreme Court decision in *Dobbs v. Jackson Women's Health Organization*. Please protect our right to reproductive choice by supporting this bill, which 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. Please also support the provisions prohibiting the enforcement of a judgment or order arising from an out-of-state civil or criminal action with respect to reproductive health care services.

**SB-896**

Submitted on: 1/30/2023 11:30:02 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Judith White	Individual	Support	Written Testimony Only

Comments:

Protect our rights!!

**SB-896**

Submitted on: 1/30/2023 11:26:19 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alton Couturier	Individual	Support	Written Testimony Only

Comments:

Please support reproductive rights in Hawai'i and make medical personnel providing care that is legal in this state, including abortion, immune to any sort of limitation or infringement by laws promulgated in any other state, territory or country.

**SB-896**

Submitted on: 1/30/2023 10:52:42 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Brian Goodyear	Individual	Support	Written Testimony Only

Comments:

This bill will provide essential protections for both patients and providers who provide legal abortions in the State of Hawaii. Other states should not be allowed to interfere with the legal provision of an important health care service in this state.

**SB-896**

Submitted on: 1/31/2023 10:25:51 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lillian Ah Nee	Individual	Support	Written Testimony Only

Comments:

Aloha,

I'm writing in strong support of SB896, which protects providers and patients from prosecution by this or any other government.

Abortion is a decision that should be made between a woman (pregnant person) and her healthcare team and should be made based on the best interest of the woman. Healthcare decisions like abortion should not be influenced by fear of prosecution of the provider or patient. I am in full support of SB896's protection of providers and patients.

Thank you for your time and consideration.

**SB-896**

Submitted on: 1/30/2023 9:40:19 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Coralie Matayoshi	Individual	Support	Written Testimony Only

Comments:

**I strongly support SB 896.**

SB896 provides new protections to prevent adverse legal actions against our providers and patients in Hawaii, from other states who seek to impose their punitive abortion laws on abortion care legally provided in Hawaii.

Texas and other states are passing laws seeking to penalize abortion care provided in Hawaii, by threats of civil law suits, criminal prosecution, disciplinary action against medical providers, for performing abortion services that are fully legal in Hawaii.

SB896 protects providers and patients in regards to abortions performed in Hawaii that are performed in compliance with Hawaii's laws, and directs our court and other governmental officials not to enforce foreign states laws that are hostile to Hawaii's rights of abortion and reproductive health services.

SB896 properly declares that such hostile laws by foreign states are contrary to the public policy and state constitutional right of privacy in Hawaii.

For the sake of all women and those who care for them in a time of great need, I urge you to pass SB896 without any hesitation or delay.



**COUNTY COUNCIL**

Mel Rapozo, Chair  
KipuKai Kualii, Vice Chair  
Addison Bulosan  
Bernard P. Carvalho, Jr.  
Felicia Cowden  
Bill DeCosta  
Luke A. Evslin



**OFFICE OF THE COUNTY CLERK**

Jade K. Fountain-Tanigawa, County Clerk  
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188  
Facsimile: (808) 241-6349  
Email: cokcouncil@kauai.gov

**Council Services Division**  
4396 Rice Street, Suite 209  
Lihu'e, Kaua'i, Hawai'i 96766

January 31, 2023

TESTIMONY OF KIPUKAI KUALII  
COUNCIL VICE CHAIR, KAUAI COUNTY COUNCIL  
ON  
SB 896, RELATING TO REPRODUCTIVE HEALTH CARE  
Senate Committee on Health and Human Services  
Senate Committee on Commerce and Consumer Protection  
Wednesday, February 1, 2023  
1:10 p.m.  
Conference Room 225  
Via Videoconference

Dear Chair San Buenaventura, Chair Keohokalole, and Members of the Committee:

Thank you for this opportunity to provide testimony in strong SUPPORT of SB 896, Relating to Reproductive Health Care. My testimony is submitted in my individual capacity as Council Vice Chair of the Kaua'i County Council.

I wholeheartedly support the intent of SB 896 as it will ensure women the fundamental right to make their own reproductive health care decisions as well as the right to decide whether to bear a child or obtain an abortion within the state boundaries.

Thank you again for this opportunity to provide testimony in strong support of SB 896. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

KIPUKAI KUALII  
Council Vice Chair, Kaua'i County Council

AAO:jy

**SB-896**

Submitted on: 1/30/2023 12:35:27 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

My name is Nanea Lo. I'm born and raised in the Hawaiian Kingdom and I'm Kanaka Maoli.

I support SB896 because I believe that care should be offered to everyone in Hawai'i.

me ke aloha 'āina,

Nanea Lo

## TESTIMONY OF ELLEN GODBEY CARSON

### **I write in strong support of SB 896.**

While I write as an individual, I have served as President of Hawaii Women Lawyers, the Hawaii State Bar Association, and the Sex Abuse Treatment Center. The major part of my legal career was spent in civil rights and health law, including protecting our rights to abortion here in Hawaii.

We can be proud that Hawaii was the first state to recognize the right of access to safe and legal abortion (1970). Sadly, other states are now seeking to impose their abortion bans on providers and patients in Hawaii. Those states seek to impose civil liability, criminal prosecution, medical license disciplinary actions and other punitive actions in regard to abortion services performed in Hawaii that fully comply with our laws.

SB 896 is designed as a legal “shield” to help protect from these harms by:

- (1) protecting our health care providers from intimidation, liability, harassment, prosecution and disciplinary actions against their license, for performing health care services that are fully legal in this state; and
- (2) protecting abortion patients in Hawaii, including those who come to Hawaii to obtain abortions services that are illegal in their own states.

Law suits will soon be waged in the federal courts to determine which state’s abortion laws are due “Full Faith and Credit.” SB 896 was designed for this legal battle.

SB896 has been carefully crafted with detailed model language covering 19 pages, to provide robust protections for our health care providers and patients.

SB 896 provides a strong preamble establishing the foundation of our public policy and even stronger text creating numerous essential protections from civil and criminal liability, discovery proceedings and judicial procedures, as well as medical licensure disciplinary actions.

It is critically important to have as robust public policy and protections as we can, to have the best chance to help Hawaii’s law prevail in these legal challenges.

Imagine you are one of Hawaii’s health care providers performing this important health care. Wouldn’t YOU want the fullest protection from civil, criminal, and disciplinary proceedings arising from foreign states’ punitive abortion laws? Then pass SB 896.

Our providers – and their patients - deserve the fullest protection.

Mahalo for protecting our reproductive freedoms here in Hawaii.

Ellen Godbey Carson, Honolulu, Hawaii

**SB-896**

Submitted on: 1/30/2023 12:56:46 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
cheryl B.	Individual	Support	Written Testimony Only

Comments:

I SUPPORT. This bill gives protections and safety to people in choosing their individual healthcare choices. As a government, it is the responsibility to protect its' citizens' choices and to support them in ways that keep them safe. No organization that deals directly or indirectly with healthcare should ever disclose information and those people who work in healthcare should be protected as they are providing care. Healthcare is already a challenging place to be and no one should feel threatened or harmed for doing their work or as an individual making personal healthcare choices. Our bodies are our property, no one elses.

**SB-896**

Submitted on: 1/30/2023 12:47:45 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Paolo Marra-Biggs	Individual	Support	Written Testimony Only

Comments:

I support this measure, to provide access to womans healthcare, including abortions.

To: Hawaii State Senate Committees on Health and Human Services and  
Commerce and Consumer Protection

Hearing Date/Time: Wednesday, February 1, 2023, 1:10pm

Place: Hawaii State Capitol, CR 225 & Videoconference

Re: Judith Ann Armstrong is in strong support of SB896 Protecting providers and patients from legal action from persons outside the state of Hawaii.

Dear Members of the Health and Human Services and Commerce and Consumer Protection Committees,  
I, Judith Ann Armstrong, am in strong support of SB896 Relating to reproductive healthcare.

SB896 provides new protections to prevent adverse legal actions against our providers and patients in Hawaii, from other states who seek to impose their punitive abortion laws on abortion care legally provided in Hawaii.

Texas and other states are passing laws seeking to penalize abortion care provided in Hawaii, by threats of civil lawsuits, criminal prosecution, disciplinary action against medical providers, for performing abortion services that are fully legal in Hawaii.

SB896 protects providers and patients in regard to abortions performed in Hawaii that are performed in compliance with Hawaii's laws and directs our court and other governmental officials not to enforce foreign states laws that are hostile to Hawaii's rights of abortion and reproductive health services.

SB896 properly declares that such hostile laws by foreign states are contrary to the public policy and state constitutional right of privacy in Hawaii.

Thank you for this opportunity to testify in support of SB896.

Sincerely,

Judith Ann Armstrong

To: Hawaii State Senate Committees on Health and Human Services and  
Commerce and Consumer Protection

Hearing Date/Time: Wednesday, February 1, 2023, 1:10pm

Place: Hawaii State Capitol, CR 225 & Videoconference

Re: Judith Ann Armstrong is in strong support of SB896 Protecting providers and patients from legal action from persons outside the state of Hawaii.

Dear Members of the Health and Human Services and Commerce and Consumer Protection Committees,  
I, Judith Ann Armstrong, am in strong support of SB896 Relating to reproductive healthcare.

SB896 provides new protections to prevent adverse legal actions against our providers and patients in Hawaii, from other states who seek to impose their punitive abortion laws on abortion care legally provided in Hawaii.

Texas and other states are passing laws seeking to penalize abortion care provided in Hawaii, by threats of civil lawsuits, criminal prosecution, disciplinary action against medical providers, for performing abortion services that are fully legal in Hawaii.

SB896 protects providers and patients in regard to abortions performed in Hawaii that are performed in compliance with Hawaii's laws and directs our court and other governmental officials not to enforce foreign states laws that are hostile to Hawaii's rights of abortion and reproductive health services.

SB896 properly declares that such hostile laws by foreign states are contrary to the public policy and state constitutional right of privacy in Hawaii.

Thank you for this opportunity to testify in support of SB896.

Sincerely,

Judith Ann Armstrong

**SB-896**

Submitted on: 1/30/2023 1:03:56 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Teani	Individual	Support	Written Testimony Only

Comments:

Aloha my name is Teani Marquez.

I am a first year student at the University of Hawai'i at Mānoa. I strongly support SB 896. I believe our health care workers should be protected when helping patients with personal healthcare.

Mahalo nui.



**SB-896**

Submitted on: 1/30/2023 1:52:01 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Joanne Amberg	Individual	Support	Written Testimony Only

Comments:

Honorable Senators,

Please support SB 896: Relating to reproductive health care. It is imperative to protect the privacy of women seeking reproductive health care, as well as the providers that are working to provide this important part of women's health care. SB 896 is important because it is comprehensive and detailed about protecting both patients from records requests without their consent, as well as their providers.

I am a certified nurse midwife and have spent my working life providing reproductive health care to women. These past years women around the country have seen their basic rights to timely healthcare eroded in unprecedented ways. In many places there is no comprehensive safe reproductive healthcare available. Women may need care from other states or locations because access to care in their area has been so restricted. Please protect these women, and those seeking to help them. Women's lives are really at risk here, and without protections, providers may be inhibited from providing necessary care.

Thank you for considering and supporting this legislation.

**SB-896**

Submitted on: 1/30/2023 2:44:16 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Chuck Taylor	Individual	Support	Written Testimony Only

Comments:

It is important to limit cooperation with other states' investigations and proceedings about abortion care. Also, Hawaii must prohibit medical licensure boards from taking adverse action against providers who provide abortion care that is legal in Hawai'i.

**SB-896**

Submitted on: 1/30/2023 8:07:30 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Valerie Wayne	Individual	Support	Written Testimony Only

Comments:

I strongly support SB896. Hawaii needs to protect providers and patients who give and receive abortions in our state. Other states should not be allowed to penalize those activities, which have long been legal in Hawaii. Abortion is an important right for all women, and this bill will ensure that the right remains protected.

**SB-896**

Submitted on: 1/30/2023 7:10:29 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Erin Gertz	Individual	Support	Written Testimony Only

Comments:

As a practicing OB/GYN in Hawaii, I support this bill. Hawaii should not cooperate with other states' who "investigate" providers simply for providing adequate and comprehensive reproductive and gender-affirming care. Furthermore, medical licensure boards have no right to take any action against providers who provide abortion care that is legal in Hawai'i.

Please help protect me and my patients.

Thank you,

Erin Gertz, OB/GYN

**SB-896**

Submitted on: 1/30/2023 8:17:05 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

As part of Hawai'i's duty to protect the human right to access safe abortion care, our state must guarantee and protect the privacy of those seeking and of those providing abortion services. Hawai'i must send a strong signal that we will not cooperate with attempts to persecute care-seekers or -providers in their home states. Please pass SB896.

**SB-896**

Submitted on: 1/30/2023 6:50:56 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kayla Doherty	Individual	Support	Written Testimony Only

Comments:

I support SB896 because I believe in an individual's right to privacy. Choosing to receive lawful reproductive health care services in another state is the individual's choice and should not be infringed upon or disclosed to third-partys or out-of-state entities.

**SB-896**

Submitted on: 1/30/2023 7:17:48 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this important bill. Our state is unlike any other state. We must keep our people safe from others' tyranny. Please protect our health care providers!

**SB-896**

Submitted on: 1/31/2023 6:02:28 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lucia Xiong	Individual	Support	Written Testimony Only

Comments:

I am an OB/GYN in training on Oahu, Hawaii, and I know firsthand the importance of access to abortion care in not only promoting the wellbeing of Hawaii's families, but in reducing pregnancy-related illness and death.

I think of a patient I once took care of who was visiting Hawai'i while pregnant at 16 weeks. Her membranes ruptured here. At this preivable gestation, outcomes are incredibly poor with high maternal mortality and morbidity rates if not delivered prior to sepsis and with very poor neonatal outcomes. Fetuses affected by anhydramnios this early in development typically have poorly developed lungs incompatible with life. The recommendation is a termination for the mom and we were able to provide this procedure for her. In today's political climate, many patients cannot receive this care in states where abortion is banned. They wait until the patient develops signs of infection of the uterus, which can be too late. With SB896, providers in Hawai'i can safely and comfortably continue to provide this healthcare service without worrying about legal ramifications by outside states.

SB896 provides critical and timely protections to prevent legal actions against our healthcare providers and patients in Hawaii, from other states who seek to impose their punitive abortion laws on abortion care legally provided in Hawaii.

Lawmakers in conservative states have threatened to introduce bills to penalize abortion care provided in Hawaii, by threats of civil law suits, criminal prosecution, disciplinary action against healthcare providers, for performing abortion services that are fully legal in Hawaii.

SB896 properly reinforces that such hostile laws by foreign states are contrary to the public policy and state constitutional right of privacy in Hawaii.

I urge you to pass SB896.



**SB-896**

Submitted on: 1/30/2023 3:36:29 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sandra Fujita	Individual	Support	Written Testimony Only

Comments:

I strongly support SB896.

**SB-896**

Submitted on: 1/30/2023 9:49:01 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Christie Fujimoto	Individual	Support	Written Testimony Only

Comments:

I am a practicing OB/GYN in Hawaii for the past 13 years. Timely and competent access to abortion care is critical to the health and wellbeing of the women in Hawaii and across the nation.

SB896 provides needed protections from other states who seek to penalize abortion care provided in Hawaii - despite these services being legal here.

As a specialist in early pregnancy imaging, I have seen first hand how often tourists arrive to our islands for their "babymoon" with early pregnancy complications - including miscarriages with life threatening bleeding that require surgical termination. As a physician our focus during these cases should only be the health of the patient in front of us, not the legal implications of providing her lifesaving care because of the state she resides in.

I urge you to pass SB 896.

February 1, 2023

**To:** Senate Health & Human Services Committee and Commerce & Consumer Protection Committees  
**From:** Lori Kamemoto, MD, MPH, FACOG  
**Re:** SB 896 – Relating to Reproductive Health Care  
**Position:** Strongly Support

As an Obstetrician/Gynecologist who has practiced in Hawaii for 30-plus years - I have firsthand knowledge of the importance of access to abortion care in promoting the health and wellbeing of Hawaii's women and families, as well as in reducing pregnancy-related illness and death.

SB896 provides critical and timely protections to prevent legal actions against Hawaii's healthcare providers and patients from other states that seek to impose their punitive abortion laws on abortion care legally provided in Hawaii.

Lawmakers in other states have threatened to introduce bills to penalize abortion care provided in Hawaii via threats of civil lawsuits, criminal prosecution, and disciplinary action against healthcare providers for performing lawful abortion services in Hawaii. Lawmakers in these states have even threatened patients who may travel to other states such as Hawaii and have care provided there, with criminal prosecution.

SB896 reinforces that such laws by other states are contrary to Hawaii's public policy and the state constitutional right of privacy in Hawaii.

Access to abortion care is a part of Women's Healthcare excellence. I have cared for pregnant tourists who travel to Hawaii as well as many pregnant Hawaii residents who unfortunately have serious and sometimes life-threatening pregnancy complications such as very early rupture of membranes leading to chorioamnionitis and life-threatening sepsis, patients near death with life-threatening bleeding, those who were desperate to have an abortion but could not afford it and tried to accomplish this outside our medical system resulting in life-threatening injury/infection, and many other serious pregnancy complications requiring immediate intervention to save lives.

I am grateful that we have been able to appropriately care for the many pregnancy complications that can arise to save lives and prevent permanent injury - however I am very concerned that other states may now hamper Hawaii's ability to continue to provide complete and excellent Women's Healthcare which includes access to abortion care.

I strongly urge you to pass SB 896.  
Mahalo for supporting the health of Hawaii's Women and Families.

**SB-896**

Submitted on: 1/30/2023 8:40:03 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gabrielle Toloza	Individual	Support	Written Testimony Only

Comments:

As a woman, mother and psychologist I urge you to support SB896. We have many freedoms as a women and they fought for us to have them back in 1970 as the first state to legalize abortion and now is not a time to move backward. Providers of healthcare in the OB/GYN feild deserve the freedom to exercise their clincial judgment and make case bay case decisions in the best interests of their patients without oversight of political games. Having been a therapist to a handful of OB/GYN physicians I am in awe of the very challenging they have chosen to do and that they do it with grace, wisdom and compassion for both the mother and their family. Please uphold our freedoms by supporting this bill. - Warmly Dr. Gabrielle Toloza

**For SB896: SUPPORT**

- SB896 provides new protections to prevent adverse legal actions against our providers and patients in Hawaii, from other states who seek to impose their punitive abortion laws on abortion care legally provided in Hawaii.
- Texas and other states are passing laws seeking to penalize abortion care provided in Hawaii, by threats of civil law suits, criminal prosecution, disciplinary action against medical providers, for performing abortion services that are fully legal in Hawaii.
- SB896 protects providers and patients in regards to abortions performed in Hawaii that are performed in compliance with Hawaii's laws, and directs our court and other governmental officials not to enforce foreign states laws that are hostile to Hawaii's rights of abortion and reproductive health services.
- SB896 properly declares that such hostile laws by foreign states are contrary to the public policy and state constitutional right of privacy in Hawaii.

The following amendments are also requested and supported.

**For SB1: SUPPORT AND REQUEST AMENDMENTS:**

**SUPPORT SB1's authorization of licensed physician assistants to provide abortion care.**

- This will help address our shortage of abortion providers, particularly on neighbor islands, to assure better access and prompt medical service.
- This will help save neighbor island residents from having to fly to Honolulu for abortion care, with attendant travel costs, time off from work and child-care arrangements.
- Physician assistants already provide a wide range of medical care much more complex than abortion, and should be permitted to provide abortion care, just as Advanced Practice Registered Nurses already do.

**REQUEST AMENDMENTS TO SB1:**

- We need better protections for our abortion providers and patients so they are not punished by legal actions in other states, such as Texas, who seek to impose their punitive abortion bans on abortion care legally provided in Hawaii. SB1's shield provisions should be amended to incorporate the more detailed protections in SB896.

It was supposed to be a normal visit.

I was supposed to hear my rainbow baby's' heartbeat. I pulled out my phone to record the moment, I had family and friends eagerly awaiting updates. The nurse told me to put it away.

She rubbed the wand over my belly once more.

"You had a miscarriage" she coldly said.

Impossible.

I'd been through them before. This time there was no blood. No pain.

She had to be wrong.

I was escorted to the next room where the doctor explained my baby had stopped growing.

For four weeks I had carried around a dead fetus.

I had hopes and desires and dreams for something that was already gone.

The doctor gave me my options: go under anesthesia and have it removed (known as a DNC) or take a pill and have my body expel it. I chose the latter.

For years my story ended with the nurses' words. Nothing mattered after that.

Then Roe fell.

I began reading about how women in Texas that miscarried were denied Misoprostol, also known as the abortion pill, because providers couldn't risk being charged with aiding and abetting.

The same drug I took.

For years my memory froze on the word "miscarriage" but I had missed a crucial part of my story: I had had an abortion.

Years prior I stood in my kitchen, said goodbye to my baby and swallowed the pills.

Just as a rape victim has.

Just as unprepared teenager has.

Just as millions of other women have.

Though we each had a different story as to how we ended up there we all now had the same path to follow.

Yet there was a difference: Stigma.

I heard it each time I told my story. "You didn't have an abortion; you wanted your baby." "Your baby was already gone, theirs wasn't." Even if they didn't agree there was always a softness, a sympathy in their response. A tone that other women often don't get.

"You had a DNC not an abortion."

A DNC. Pills to flush the fetus out. An abortion. All different words for the same procedure.

A lifesaving procedure that now isn't being taught to doctors because of legal risk.

Pills that are no longer given out because of fear of prosecution.

As I sat in the doctor's office that day even though I was heartbroken I felt safe. The doctor had a plan. I was given the opportunity to choose what was best for me. I had someone I trusted to guide me

through this unprecedented time in my life.

Now all parties enter that room with no options or guidance, except from state governments.

Potentially federal government if Republicans get their way.

I went years thinking I had a miscarriage followed by a medical procedure because that's how doctors presented it to me. And that's the core of abortion: it's a medical procedure. One not to be shamed or silenced. Miscarriage affects 1 in 10 women. Rape: 1 in 5.

Unplanned Pregnancy: 1 out of every 2

The number of women that have an abortion? 1 in 4.

My story isn't powerful because it's unique, its powerful because it's common. I could be your teacher; I could be your daughter.

I could be you.

We can't let the minority with the loud voices win. We can't let them make our decisions for us and we won't let them take our human right to healthcare. We will be louder, we will prevail.

**SB-896**

Submitted on: 1/30/2023 9:18:50 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jennifer Apato	Individual	Support	Written Testimony Only

Comments:

Abortion is health care. This should be an option. Abortion should not just be outlawed outright because of religious beliefs of one religion. I know of people who personally had miscarriages, such as blighted ovums, where their fetus was reabsorbed into their uterus, but their body failed to recognize the miscarriage. The abortion option helped to fix this.



**SB-896**

Submitted on: 1/31/2023 8:02:31 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Avery Olson	Individual	Support	Written Testimony Only

Comments:

Aloha all,

I am an OB/GYN in training on Oahu, Hawaii. I know you have already heard from many of us healthcare providers, but we are in a privileged place as we know firsthand the importance of access to abortion care in promoting the wellbeing of Hawaii's families. Abortion care, put simply, reduces pregnancy-related illness and death.

SB896 protections to prevent legal actions against our healthcare providers, including myself and all of those who work across the islands. Protection of providers means protection of the care we provide for our patients, including those from Hawaii and the mainland.

Lawmakers in conservative states have threatened to introduce bills to penalize abortion care provided in Hawaii. This includes threats of civil law suits, criminal prosecution, and disciplinary action against healthcare providers. This includes action against providers for performing abortion services that are fully legal in Hawaii. This means providers may be afraid to offer the standard of care for fear of legal repercussions.

SB896 reinforces that hostile laws by foreign states are contrary to the public policy and state constitutional right of privacy in Hawaii.

I think of a patient from another state I once took care of who came in with rupture of membranes at early gestation. Her condition was incompatible with life for the fetus, and she was developing a fever. This required an abortion to save the patient from a harmful infection that could be fatal, so she received her abortion on Oahu. She was from a state that now is attempting to pass laws that not only would fine me for giving her an abortion to save her life, but perhaps even prevent me from practicing and providing future care to Hawaiian people.

I urge you to pass SB896.

Thank you for your consideration,

Dr. Avery

**SB-896**

Submitted on: 1/31/2023 8:02:31 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Avery Olson	Individual	Support	Written Testimony Only

Comments:

Aloha all,

I am an OB/GYN in training on Oahu, Hawaii. I know you have already heard from many of us healthcare providers, but we are in a privileged place as we know firsthand the importance of access to abortion care in promoting the wellbeing of Hawaii's families. Abortion care, put simply, reduces pregnancy-related illness and death.

SB896 protections to prevent legal actions against our healthcare providers, including myself and all of those who work across the islands. Protection of providers means protection of the care we provide for our patients, including those from Hawaii and the mainland.

Lawmakers in conservative states have threatened to introduce bills to penalize abortion care provided in Hawaii. This includes threats of civil law suits, criminal prosecution, and disciplinary action against healthcare providers. This includes action against providers for performing abortion services that are fully legal in Hawaii. This means providers may be afraid to offer the standard of care for fear of legal repercussions.

SB896 reinforces that hostile laws by foreign states are contrary to the public policy and state constitutional right of privacy in Hawaii.

I think of a patient from another state I once took care of who came in with rupture of membranes at early gestation. Her condition was incompatible with life for the fetus, and she was developing a fever. This required an abortion to save the patient from a harmful infection that could be fatal, so she received her abortion on Oahu. She was from a state that now is attempting to pass laws that not only would fine me for giving her an abortion to save her life, but perhaps even prevent me from practicing and providing future care to Hawaiian people.

I urge you to pass SB896.

Thank you for your consideration,

Dr. Avery

**SB-896**

Submitted on: 1/30/2023 11:27:20 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dylan Ramos	Individual	Support	Written Testimony Only

Comments:

Aloha,

If this Legislature supports the right to bodily autonomy, abortion access, responsible family planning, and protection of both patients and healthcare workers, then it is only natural to support this measure and others like it that keep Hawaii committed to the provision of reproductive healthcare. I testify in **STRONG SUPPORT**.

Mahalo,  
Dylan Ramos  
96816

**SB-896**

Submitted on: 1/30/2023 11:27:20 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dylan Ramos	Individual	Support	Written Testimony Only

Comments:

Aloha,

If this Legislature supports the right to bodily autonomy, abortion access, responsible family planning, and protection of both patients and healthcare workers, then it is only natural to support this measure and others like it that keep Hawaii committed to the provision of reproductive healthcare. I testify in **STRONG SUPPORT**.

Mahalo,  
Dylan Ramos  
96816

February 1, 2023

The Honorable Joy A. San Buenaventura, Chair  
Senate Committee on Health & Human Services  
And

The Honorable Jarrett Keohokalole, Chair  
Senate Committee on Commerce & Consumer Protection  
Hawaii State Capitol  
415 South Beretania  
Honolulu, HI 96813

Testimony in Support of SB 896 Relating to Reproductive Health Care

Thank you for accepting testimony in favor of Senate Bill 896. Following the 2022 Dobbs v. Jackson Supreme Court decision it is evident that states must take precautions to decriminalize this important medical procedure as well as others that affect the decisions we make for our own bodies.

As additional states ban abortion it becomes more important than ever to pass SB 896. This bill bolsters the State's policy to protect an individual's right to privacy and bodily autonomy. Without it, I am afraid that some states will try to obtain information about our providers and non-resident clients and attempt to bring charges against them. SB 896 will stop this from happening.

Please act to protect others from these politically motivated attacks.

Mahalo,

Mary Steiner

**SB-896**

Submitted on: 1/31/2023 12:45:35 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Libby Kelson-Fulcher	Individual	Support	Written Testimony Only

Comments:

**Aloha,**

**I ask you to pass this Bill, SB896 protecting physicians and providers of abortions from interference from other states. I fully support all this Bill stands for and ask that you support it. Mahalo nui!**

**SB-896**

Submitted on: 1/31/2023 12:47:18 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Graham Chelius	Individual	Support	Written Testimony Only

Comments:

I am a practicing physician in Hawaii on Kauai. I strongly support abortion access, and have worked nationally to improve access. I am generally supportive of this legislation, however one issue that concerns me is the scenario that a medical provider sends medical records that includes documentation that a woman has had an abortion, and these records somehow make it to a new state the woman is residing in, and she is then prosecuted for a abortion she has had in the past. How does this legislation protect a medical provider for doing what is normal medical care in this state but could be a problem in another state?

January 31, 2023

To: Senate Health & Human Services Committee and Commerce & Consumer Protection Committees

From: LeighAnn Frattarelli, MD, MPH, FACOG

Re: SB 896 – Relating to Reproductive Health Care

Position: Strongly Support

As a gynecologist living and practicing in Hawaii since 2000, I am proud of our state's strong protection of health care for women. I am proud that the right to abortion is protected in our state's constitution, and I am proud that our community is always working to provide easier access to this important part of health care to our residents. Access to abortion care is imperative in the promotion of health and wellbeing in Hawaii.

Many other state governments that do not hold our same values desire to impose their laws upon our providers and visitors that come to our state needing health care, either by plan or by missed timing of their visit to our islands. SB896 provides critical and timely protections to prevent legal actions against Hawaii's healthcare providers and patients from other states who receive abortion care legally in Hawaii. Threats of civil lawsuits and criminal prosecution for actions lawfully provided in our state cannot limit the care of physicians seeking to provide needed abortion care. SB896 reinforces that such laws by other states are contrary to Hawaii's public policy and the state constitutional right of privacy in Hawaii.

Please support Hawaii's healthcare workers who desire to provide comprehensive healthcare to all women no matter the length of stay in our islands. Please support the women who need abortion care for their health and the health of their family. I strongly urge you to pass SB 896.

Thank you for believing in Hawaii and the work we are doing here to support women and their families.



**SB-896**

Submitted on: 1/31/2023 12:57:56 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Sharon Martin	Individual	Oppose	Written Testimony Only

Comments:

SB 896: Relating to Reproductive Health Care

Date: January 31, 2023

I am OPPOSED to SB 896: Relating to Reproductive Health Care. For the following reasons:

‘Reproductive Health Care’ is wide and unspecified category that includes reproductive systems of both male and female persons and any type of services rendered which include ALL informational and medical services that affects obstetrics-gynecology, urology, oncology, and any other medical or psychiatric discipline that provides services relating to reproductive health care.

The courts of law and the judicial system are in place to effectively and judiciously address and render judgments, issue subpoenas, use of laws and their application as rules of decision in the courts, provide issuance of a summons, make clarifications under various licensing statutes and consider a basis for disciplinary action, and enforces a judgment or any order.

This statement, “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” allows citizens of other countries to come to Hawaii to get an abortion with foreign immunity. They are NOT residents of the State of Hawaii nor are they citizens of our country, the United States of America.

This statement, “Prohibits a covered entity from disclosing communication or information relating to reproductive health care services” does not define a ‘covered entity’, another broad category. Disclosing communication and information across healthcare system services is vital for billing and insurance, collaboration of multidisciplinary providers involved with a patient’s health/medical/psychiatric care, and even circumvents legal powers of attorney for health care. “Requires the governor to deny any demand for surrender of a person charged with a crime involving reproductive health care services.” The governor is an indentured servant to the residents of the State of Hawaii. The office of governor does not substitute nor supersede police officers, lawyers, or judges. Even if a governor has these credentials, he/she is not to use their profession in this manner.

One can only conclude that the intent and motive is to make Hawaii an abortion friendly state that provides legal immunity to non residents (residents of other 49 states of the USA) and foreigners. I am adamantly OPPOSED to this happening in my State of Hawaii.

Respectfully,

Sharon Martin  
Concerned resident of the State of Hawaii  
US citizen

**SB-896**

Submitted on: 1/28/2023 3:48:46 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

Abortion should not Be allowed Except in certin Health isuses. All who allow this should be prosecuted and if the Government dose not do there job to protect the People of Hawaii then the people of Hawaii will have to Rise up to take care of the PROBLEM!!!

**SB-896**

Submitted on: 1/31/2023 9:21:48 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Susana Kwock	Individual	Oppose	Written Testimony Only

Comments:

Oppose SB896.

**SB-896**

Submitted on: 1/27/2023 5:31:29 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose.

**SB-896**

Submitted on: 1/31/2023 9:18:58 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Citizen	Individual	Oppose	Written Testimony Only

Comments:

Oppose SB896.

From Holy Love Ministry - July 25, 2014:

"I am your Jesus, born Incarnate"

**"I tell you, solemnly, it is of no account who or how many support evil. This does not transform evil into good.** This is why the basics of good as opposed to evil must be made clear according to God's Law - not in the gray light of confusion."

"These days, through modern communications, information travels quickly around the world. Too often this is according to evil advantage, as Satan can influence change according to his agenda before people realize his tactics. Even more dangerous is that **people do not discern good from evil before they act.**"

"Very often the judicial system is guilty of **propagating evil under the guise of protecting the rights of individuals to sin.** Once again, I tell you, **sin is still sin despite legal support.** Laws cannot change the Truth. Human law does not change God's Laws. Pay attention!"

TO: SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES and  
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

RE: SB1 RELATING TO HEALTH CARE.

Authorizes licensed physician assistants to perform certain abortions. Declares a law of another state that authorizes a person to bring a civil action against a person who: terminates or seeks to terminate a pregnancy; performs or induces the termination of a pregnancy; knowingly engages in conduct that aids or abets the performance or inducement of the termination of a pregnancy; or attempts or intends to engage in the conduct, as contrary to the public policy of this State and shall not be enforceable in any court of the State and shall not afford any basis for the granting of legal or equitable relief by any court of the State. Prohibits the State from engaging in certain actions with regard to civil and criminal actions from another state.

And

SB896 RELATING TO REPRODUCTIVE HEALTH CARE.

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.

FOR HEARING ON Wednesday February 1, 2023

FROM:

Kenneth R. Conklin, Ph.D.  
46-255 Kahuhipa St. Apt. 1205  
Kane'ohe, HI, 96744  
Tel. 808.247.7942

TESTIMONY IN OPPOSITION

SUMMARY

Regarding abortion: there's a way to reconcile the pro-choice and pro-life positions. Here are two rights which can both be achieved together. (1) A woman has a right to "control her own body" by terminating her pregnancy at any time. (2) An unborn baby has a right to live; therefore mother and her helpers have a duty to use all reasonable methods to protect baby's life and health during the process of terminating the pregnancy. Killing the baby should not be allowed as the method for ending a pregnancy, unless necessary for a woman exercising self-defense against a pregnancy that is killing her. It is both factually incorrect and morally wrong to assume that killing the embryo or fetus is the method that must or should automatically be used for a woman who chooses early termination of her pregnancy.

It is already standard medical care that babies born prematurely are taken to Neonatal Intensive Care Unit where their lives are saved. If mom chooses to end pregnancy, early birth can be induced medically by pill or injection, or surgically by Caesarean section; then use NICU. At earliest stages, use procedures from in vitro fertilization clinics to transfer zygote or embryo from a woman who chooses to end her pregnancy to a woman who is eager

to become pregnant but biologically unable or personally unwilling to do it through sexual intercourse.

There are various methods currently used to kill an embryo or fetus to begin an abortion: pills which can be purchased in pharmacies and used at home or in clinics to kill it quietly and then expel it; dismemberment inside the uterus followed by using suction or forceps to remove the pieces; etc. All such methods are killing with malice aforethought, also known as murder. The person who orders a murder or pays to hire a murderer (the mother) is equally as guilty as the person who actually does the killing (doctor, nurse). A clinic or hospital which knowingly allows its facilities to be used for murder is an accomplice in the crime.

Should the State of Hawaii have a law which renders unenforceable the laws of other states which prohibit abortions, and/or demand extradition of women and/or their helpers who order or perform abortions? The U.S. Constitution Article IV, Section 1 says "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof." Therefore it would be inadvisable, and probably unconstitutional, for Hawaii to pass such a law making other states' laws unenforceable. Doing so would undoubtedly result in protracted and very expensive litigation. Of course the "Full Faith and Credit" clause works in both directions. Just as Hawaii might not be allowed to override or circumvent the abortion laws of other states, so also those other states might not be allowed to override or circumvent the Hawaii law that this legislature is considering for enactment. Just imagine the costs of litigation as numerous pairs of states wage war against each other in court; while doctors, nurses, hospitals, and pregnant women by the millions embark on class-action lawsuits for damages -- lawyers will prosper greatly at taxpayer expense!

## DISCUSSION

Let's consider the various stages of pregnancy regarding when human life begins; and the timing of an abortion; and selection of a method for performing it in a way that protects baby's life:

Definitions:

"Abortion" is the termination of a pregnancy at any time before the baby is born either by vaginal delivery or by full-term surgical removal (Cesarean section).

"Pregnancy" begins when a blastocyst is implanted into the lining of the uterus, and ends when the fetus is born or aborted. Biology lesson about "pregnancy": When an egg has passed from a woman's ovary into a fallopian tube it may become fertilized by a sperm and is then called a zygote during its passage through the tube. Note that the egg was already fertilized during its passage through the fallopian tube; that fertilization, also called "conception", is what some religions say marks the beginning of human life. The zygote continues on its journey through the tube into the uterus where it repeatedly divides creating a hollow ball of cells called a blastocyst. The blastocyst then becomes implanted in the lining of a woman's uterus where it is called an embryo and the woman can now be called "pregnant." After 9 more weeks of growth and organ development it is called a fetus. Terminology provided here is based on information provided by the Mayo Clinic and the Cleveland Clinic.

Adopting those definitions allows us to set aside several much-discussed types of contraception before pregnancy as irrelevant to the issue of abortion. But see a section at the end of this testimony: "When does human life begin so that an unborn baby has rights? Some technicalities regarding contraception vs. abortion"

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For decades there has been great controversy and strident language between pro-life and pro-choice partisans on the issue of abortion. The Roe v Wade Supreme Court decision 50 years ago guaranteed women a right to

an abortion subject to various levels of federal and state regulation depending on which trimester a pregnancy was in. The *Dobbs v. Jackson Women's Health Organization* decision by the Supreme Court in 2022 overturned *Roe* as having been wrongly decided, and ruled that each state can decide the matter for itself, or Congress can enact a nationwide law.

What makes this controversy pro-life vs. pro-choice so strident is the nearly universal assumption that there is no middle ground or compromise possible.

But in fact it is possible for both pro-life and pro-choice positions to win. The difficulties arise because both sides are assuming that abortion means killing the baby -- embryo or fetus -- even the choice of words is controversial.

Hospitals today have NICUs -- Neonatal Intensive Care Units. Thousands of babies born prematurely are taken to these specialized places where they are given all the medical tests and treatments they need to survive. Some babies born only halfway through a normal gestation period, 4-5 months, are saved. Anxious and loving parents come visit them every day to have an extended finger grasped by their tiny baby, or get their shirt drooled on. Yes, it's very expensive. But how much is a human life worth, especially if it's your own child's?

A pro-choice woman/girl who wants to "control her own body" and get rid of an unwanted pregnancy anytime during its final several months can do so without killing her unborn baby. Get the fetus delivered out of mother's body into a NICU by having the mother choose to use methods already being used when mother's life is endangered by pregnancy. A choice to cause birth early can be achieved either medically with pills or shots, or surgically by Caesarean section. Of course this would be expensive, and painful, to the mother. But it's her choice, and many choices in life are expensive and painful. There might be occasions when such procedures cannot be used for valid medical reasons related to either the mother's or baby's health. In that case, mother simply cannot exercise that choice. However, neither mother nor her medical helpers should be allowed to murder the baby merely because mother doesn't want the inconvenience and cost of raising the

child, or doesn't want the pain or cost of surgically or medically induced early birth. I would choose to fly my own airplane to Paris to see how the repair of Notre Dame is coming along and dine at "Le Souffle" restaurant, but I have neither the skill nor money to exercise that choice.

Even at the earliest stages of pregnancy, there are ways to end it without killing the embryo. The techniques for doing that are improving constantly as we see in numerous advertisements for "in vitro" fertilization clinics. A couple want to make a baby but either the man or the woman has a problem that prevents them from making a baby in the usual way. The woman's egg and the man's sperm (or donations of one or the other from outsiders) are mixed in a petrie dish to cause fertilization, and then the organism (zygote, blastocyst, or embryo) is implanted into the appropriate place in the woman. In a different sort of procedure, the organism can be implanted into the body of a volunteer mother who carries the pregnancy to term as a surrogate for the woman who is unable to achieve or continue a pregnancy. Such techniques are widely used already to help couples who want to make a baby; and the same techniques could be used to harvest an unborn baby from a woman who chooses to end her pregnancy during its early stages and donate it to a woman or couple who eagerly want it. Of course this would be expensive, and painful, to the woman who chooses to end her pregnancy. But it's her choice, and many choices in life are expensive and painful. There might be occasions when such procedures cannot be used for valid medical reasons related to either the mother's or baby's health. In that case, mother simply cannot exercise that choice. However, neither mother nor her medical helpers should be allowed to murder the baby merely because mother doesn't want the inconvenience and cost of raising the child, or doesn't want the pain or cost of undergoing the procedures necessary to save the baby's life.

I believe it is clear that the pro-choice position is NOT primarily based on a claim that a woman has "the right to control my own body." Early in a pregnancy she might not even be feeling any symptoms of it. She might not know she is pregnant until she misses a couple periods and sees the wrong color on a urine test strip. It's not her body that worries her. It's the loss of control over her social life and her money. Late in her pregnancy she

will "show"; and after the baby is born she must stay home to take care of it. Men won't date her; she'll have to give up college and a career; she'll be spending many thousands of dollars every year for the next 20 years to raise her child: food, diapers, doctor bills, baby sitters, clothes, school supplies, college tuition.

The pregnant girl/woman is in the same position as a middle-aged adult stuck with taking care of an elderly parent with dementia who has medical problems that are costing lots of money, causing chaos and unhappiness in the family's homelife, and eroding what "should" be an inheritance. The easy solution in both situations is to get rid of the inconvenient person. Either kill them yourself or hire a killer. Both the actual killer (doctor, nurse, back-alley abortionist), and the person who recruited and paid the killer (Mom) are guilty of murder -- especially in view of the fact that there are ways to save the baby's life during the process of terminating the pregnancy. Medical science is making rapid advances in taking care of premature babies. As time goes by it will become possible to do so in a NICU at shorter and shorter periods of gestation.

Killing an elderly adult is very hard to get away with, because they are well known and people will notice if they suddenly disappear. But in some cultures it is/was (allegedly) a customarily accepted practice to send grandma on a final journey by putting her on a canoe or ice floe and sending her out to sea.

Killing an unborn baby is easy -- it's quite possible that nobody knows the woman is pregnant -- she can have a "medical" abortion privately, at home, by taking some pills that come in the mail or buying them at the drugstore; or a surgical abortion where HIPAA privacy laws keep the secret for her. And even if friends and neighbors know about it, abortion happens so often that it has become socially acceptable. Many people today complain about gun violence with multiple victims; but those numbers are very small compared with the enormous number of unborn babies murdered lawfully by abortion every day. I hope our legislature will not become an accomplice in these mass murders.

Let's be clear. Killing an unborn baby should be illegal except in self-defense when the pregnancy is actually killing its mother and there's no way to remove the baby that is safe for both mother and baby. "Killing its mother" should be defined as "physical", not merely the easily-stretched "psychological." The "balance of harms" test regards saving a life as more important than alleviating mental distress to mother from several months of constant reminder of the trauma that produced the baby growing inside her. If a pregnancy results from rape or incest, those are not reasons for killing the innocent baby but the legislature might specify that those factors justify the charity of government payment for the procedures needed to protect baby. Legislators considering granting "personhood" status to "Mother Earth" or to various rivers, mountains, etc. should consider whether geological features are "persons" but unborn human babies are not persons and have no inherent right to exist.

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When does human life begin so that an unborn baby has rights? Some technicalities regarding contraception vs. abortion

The Roman Catholic Pope Paul VI in his encyclical "Humanae Vitae" (25 July 1968) stated the church's position that life begins at the moment of conception, when an egg has been fertilized by a sperm. This would mean that human life has begun while a fertilized egg (zygote) is still in the fallopian tube passing from the ovary to the uterus, and several days before implantation into the uterus. Thus we might conclude that deliberate use of any medication which would block implantation, for the purpose of preventing a pregnancy, would be murder or attempted murder if in fact a fertilized egg (either zygote or blastocyst) was present in the uterus at that time.

"Humanae Vitae" went a step further by stating that every act of sexual intercourse must remain open to the transmission of life, meaning that contraception by barrier methods such as condoms or diaphragms must also be prohibited. The only acceptable way to avoid pregnancy while still enjoying vaginal sex would be the "rhythm method" consisting of restricting

such an encounter to happen at a time in a woman's menstrual cycle when an egg is not yet present in the fallopian tube and also at a time when a sperm's lifespan will end before an egg has arrived in the tube. Accurate timing of such things is difficult if not impossible, and also limits the spontaneity which may be essential to intimacy and enjoyment; for example, accuracy might require a woman to often measure her temperature during 2-3 weeks every month to judge whether and when ovulation has occurred, and to faithfully continue doing so for decades until menopause.

Fortunately our U.S. Constitution prohibits us from enacting laws that would constitute an "establishment of religion." Thus legislators need not obey the views of the Catholic Church, although legislators might consider them for advice when consulting their consciences while deciding how to vote. Religions besides Roman Catholic or other Christian, including Judaism, Buddhism, Hinduism, Muslim should also be considered because there are a wide variety and large number of adherents who are citizens and residents of Hawaii, and legislators feel obligated to represent the views of their constituents.

The "morning after pill" poses a dilemma about whether it is contraception or abortion. This is a pill which a woman might take soon after having unprotected sex. Does the pill merely prevent implantation? Or does it cause ejection of an egg within a day or two after it has already been implanted? Ejection would actually be abortion, although it might not be detectable as an ejection because of the extremely small amount of material. Perhaps scientists can tell us definitively whether the "morning after pill" works only to prevent implantation and is impossible to cause an ejection. However, those who believe human life exists at the moment of conception will say it does not matter whether the "morning after pill" merely prevents implantation or actually causes ejection -- because either way, life already began when the sperm fertilized the egg inside the fallopian tube even before it arrived into the uterus.



**SB-896**

Submitted on: 1/31/2023 10:25:31 AM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Peter J Long III	Individual	Oppose	Written Testimony Only

Comments:

I wish to submit this testimony in OPPOSITION to the proposed legislation.

Abortion is a horrible procedure that has been wrapped up in a neat package and called “Reproductive Rights” in an attempt to mask what it truly is, the intentional death of an unborn child. It causes scars, both physical and mental on the vast majority of women who’ve had them, which is also masked and hidden. This is certainly not a thing to be celebrated and honored, the death of the most innocent among us is not to be cherished. I see this legislation as doing exactly that by making Hawaii an Abortion Vacation Paradise of sorts.

I stand against this proposal and urge the legislature to do the same.

TESTIMONY to the SENATE COMMITTEE on Health and Human Services

SB 896 Relating to Health Care

Wednesday, February 1, 2023 1:10 pm  
State Capitol Conference Room 225 & Videoconference

Submitted in **STRONG OPPOSITION** by: Mary Smart, Mililani, HI

Chairman San Buenaventura and Vice Chair Aquino:

I strongly oppose to SB 896 for several reasons:

- a. Section 2 S-6 and S-7 appear to violate Article IV of the US Constitution: “Full faith and credit shall be given in each of those States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.”
- b. The title of the bill is misleading and confusing to the general public since it combines two topics which are not necessarily related – abortion and medical licensing. The two topics should be separated. The discussion of medical practices is buried in this bill and would be more appropriate in a bill that is exclusively related to criteria of getting and maintaining a medical license.
- c. Abortion is not health care as it intentionally “terminates”/kills at least one life. The baby’s heart is beating by the time an abortion is performed. Reproductive health care should relate to the practice of maintaining all reproductive organs in optimal condition and to help all pregnancies result in a successful delivery of living child/children. It should not relate to disabling or removing perfectly healthy reproductive organs or young human beings classified as “fetuses”.

Do not pass SB896. Please vote NO.

**SB-896**

Submitted on: 1/31/2023 1:37:46 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lisa Shorba	Individual	Oppose	Written Testimony Only

Comments:

Please OPPOSE SB896. It is faulty and not something that will benefit Hawaii residents. Mahalo for hearing my testimony. Vote NO on SB896.

**LATE**

**SB-896**

Submitted on: 1/31/2023 3:25:34 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alfred Hagen	Individual	Oppose	Written Testimony Only

Comments:

Dear Committee Members,

Please vote 'no' on this bill. It's divisive pitting state against state and if acted upon may end up in costly litigation for its apparent unconstitutionality.

Respectfully submitted,

Alfred Hagen

**SB-896**

Submitted on: 1/29/2023 5:54:42 PM

Testimony for HHS on 2/1/2023 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shannon Matson	Individual	Comments	Remotely Via Zoom

Comments:

Aloha Chairs, Vice Chairs, and members of the Committees,

Similar to my thoughts on SB1, I am very much in favor of the intention of this legislation. I am very much hoping to have the opportunity to tune in to this hearing and submit oral testimony to explain further and offer you detailed examples of how more needs to be done to truly support safe and legal reproductive healthcare choices here.

My hesitation in full support of this bill comes from knowing what our current law is on the books regarding abortion and the continued allowance of the language distinguishing between "viable and nonviable" pregnancies in a place that claims to be fully in support of a pregnant persons' right to choose. If the language of viable and nonviable remains on the books then this new legislation would potentially unjustly penalize/criminalize doctors that may just be trying to help their patients under their oath as doctors regardless of the ambiguity under our current laws of the State regarding abortion, as it continuously refers to only pertain to abortions defined as "unlawful under the laws of this State..." Abortions that SHOULD be lawful under the laws of our State are already being denied to those that need them, and occasionally abortions are occurring here by well-intentioned doctors that may be declared unlawful based on the perimeters as defined within our current laws. In the past year alone, I have known three individuals personally to be faced with some extremely hard decisions that our current law does not provide clarity around and caused confusion in various doctors offices. All of this excess stress, heartbreak and additional trauma, during an already exhausting and emotional time was due to the language that still exists in HRS regarding viable versus non-viable pregnancies. One of my friends was dealing with terminating a pregnancy that could either be classified as viable or non-viable, depending on which doctor you asked, based on the developmental disabilities of the fetus. Ultimately, she had to travel to Colorado to get the healthcare she required to terminate her VERY WANTED pregnancy because no doctors here would help her, based on their interpretation of our current laws. Another friend was past the arbitrary date of termination as decided by her doctor, as there is no specific date listed in HRS, this number of weeks is very open to interpretation as well, before even discovering she was pregnant. I hesitate to support ANY legislation on this topic that doesn't first address that non-viable vs viable language.

If we truly want safe, legal, and equitable access to abortion for ALL who need them we need to remove "viable/nonviable" from HRS. There is almost no consistency or consensus nationwide regarding what truly constitutes viability and the most heartbreaking of all these

decisions to terminate pregnancy are meeting additional criteria and restrictions when it should really just be a decision between the patient and their doctor. It's the only way to ensure protection for those who really need abortions and those who are helping administer them safely and without discrimination. (I will save my discussion on actually making abortions ACCESSIBLE and EQUITABLE for those who may need them for another time, and am happy to see other legislation being proposed that may help with this very important issue- yay for SB893 and SB890!!).

Mahalo for your time and consideration of this extremely sensitive and often controversial subject matter. This is important, please don't stop fighting for our birthing rights and freedoms! Abortion access and safety is one of our most basic, fundamental human rights. We need to protect it at all costs, but we need to make sure the laws we are passing are actually doing what we are intending them to do, and right now, the truth is that Hawai'i is neither a completely legally safe, nor easy place to access this right.

Mahalo,

Shannon Matson

Dedicated Organizer for Women's March/Abortion Access on Hawai'i Island