

JAN 17 2025

A BILL FOR AN ACT

RELATING TO HEALTH CARE.

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

1 SECTION 1. The Act shall be known and may be cited as the
2 Health Care Access Protection Act.

3 SECTION 2. Chapter 583A, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "~~§583A-~~ Laws contrary to the public policy of this
7 State. A law of another state that authorizes a state agency to
8 remove a child from a parent or guardian based on the parent or
9 guardian allowing the child to receive gender-affirming health
10 care services shall be against the public policy of this State
11 and shall not be enforced or applied in a case pending in a
12 court in this State."

13 SECTION 3. Chapter 323J, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[+]CHAPTER 323J[+]

16 REPRODUCTIVE HEALTH CARE SERVICES AND GENDER-AFFIRMING HEALTH
17 CARE SERVICES



1 ~~§~~323J-1 **Definitions.** As used in this chapter,
2 unless the context otherwise requires:

3 "Gender-affirming health care services" includes:

4 (1) Medically necessary health care that respects the
5 gender identity of the patient, as experienced and
6 defined by the patient, and may include the following
7 interventions to:

8 (A) Suppress the development of endogenous secondary
9 sex characteristics;

10 (B) Align the patient's appearance or physical body
11 with the patient's gender identity; or

12 (C) Alleviate symptoms of clinically significant
13 distress resulting from gender dysphoria, as
14 defined in the Diagnostic and Statistical Manual
15 of Mental Disorders; or

16 (2) Mental health care or behavioral health care that
17 respects the gender identity of the patient, as
18 experienced and defined by the patient, and may
19 include developmentally appropriate exploration and
20 integration of identity, reduction of distress,



1 adaptive coping, or strategies to increase family
2 acceptance.

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

7 "Reproductive health care services" includes all medical,
8 surgical, pharmaceutical, counseling, or referral services
9 relating to the human reproductive system, including but not
10 limited to services relating to pregnancy, contraception, or the
11 termination of a pregnancy.

12 ~~[†]§323J-2[†]~~ **Disclosures prohibited.** (a) Except as
13 provided in rules 504, 504.1, and 505.5 of the Hawaii rules of
14 evidence and subsection (b) or as authorized under the Health
15 Insurance Portability and Accountability Act of 1996, P.L. 104-
16 191, as amended, and any federal regulations promulgated
17 thereunder, in any civil action or any proceeding preliminary
18 thereto or in any probate, legislative, or administrative
19 proceeding, no covered entity~~[, as defined in title 45 Code of~~
20 ~~Federal Regulations section 160.103, or as the same as may be~~
21 ~~from time to time amended or modified,~~] shall disclose:



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1 (1) Any communication made to the covered entity, or any
2 information obtained by the covered entity from a
3 patient or the conservator, guardian, or other
4 authorized legal representative of a patient relating
5 to reproductive health care services or gender-
6 affirming health care services that are [~~permitted~~
7 lawful under the laws of [~~the~~] this State; or
8 (2) Any information obtained by personal examination of a
9 patient relating to reproductive health care services
10 or gender-affirming health care services that are
11 [~~permitted~~] lawful under the laws of [~~the~~] this State,
12 unless the patient or that patient's conservator, guardian, or
13 other authorized legal representative explicitly consents to the
14 disclosure in writing in the form of a release of protected
15 health information compliant with the federal Health Insurance
16 Portability and Accountability Act of 1996, P.L. 104-191, as
17 amended[~~-~~], and any federal regulations promulgated thereunder.
18 A covered entity shall inform the patient or the patient's
19 conservator, guardian, or other authorized legal representative
20 of the patient's right to withhold the written consent.



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

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

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



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1 (3) To the director of health [~~for records of a patient of~~
2 ~~a covered entity in connection with an investigation~~
3 ~~of a complaint,~~] if the [~~records are related~~]
4 communication or information relates to the
5 investigation of a complaint; or

6 (4) If child abuse, abuse of an individual who is sixty
7 years of age or older, abuse of an individual who is
8 physically disabled or incompetent, or abuse of an
9 individual with an intellectual disability is known or
10 in good faith suspected[~~-~~]; provided that reproductive
11 health care services or gender-affirming health care
12 services that are lawful under the laws of this State
13 shall not alone constitute abuse.

14 (c) Nothing in this section shall be construed to impede
15 the lawful sharing of medical records as permitted by state or
16 federal law or the rules of the court, except in the case of a
17 subpoena or warrant issued by a court, government agency, or
18 legislative body of another state commanding the production,
19 copying, or inspection of medical records relating to
20 reproductive health care services[~~-~~] or gender-affirming health
21 care services that are lawful under the laws of this State.

1 (d) As used in this section:

2 "Communication or information" does not include uses and
3 disclosures that covered entities are not required to be in an
4 accounting of disclosures pursuant to title 45 Code of Federal
5 Regulations section 164.528.

6 "Covered entity" has the same meaning as in title 45 Code
7 of Federal Regulations section 160.103, or as the same may be
8 from time to time amended or modified.

9 **[+]§323J-3[+] Subpoenas; when allowed.** Notwithstanding
10 sections 624-27 and 624D-3 or any other law to the contrary, no
11 court or clerk of a court shall order the issuance of a subpoena
12 requested by an officer, appointed according to the laws or
13 usages of another state or government, or by any court of the
14 United States or of another state or government, in connection
15 with an out-of-state or interstate investigation or proceeding
16 relating to reproductive health care services [~~legally performed~~
17 ~~in the~~] or gender-affirming health care services that are lawful
18 under the laws of this State.

19 **[+]§323J-4[+] Agencies prohibited from providing**
20 **information or expending resources.** (a) No agency, as defined
21 in section 92F-3, or employee, appointee, officer, official, or



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

7 (1) ~~[The provision, seeking,]~~ Seeking, receiving, paying
8 for, [receipt of,] or inquiring about reproductive
9 health care services ~~[that are legal in the]~~ or
10 gender-affirming health care services that are lawful
11 under the laws of this State; [ex]

12 (2) Providing or responding to an inquiry about
13 reproductive health care services or gender-affirming
14 health care services that are lawful under the laws of
15 this State;

16 ~~[-(2)]~~ (3) Assisting [any person or entity providing,
17 seeking, receiving, paying for, or responding to an
18 inquiry about reproductive health care services that
19 are legal in the State.] or aiding or abetting in any
20 of the conduct described in paragraph (1) or (2); or



1 (4) Attempting or intending to engage in or providing
2 material support for (or any other theory of
3 vicarious, attempt, joint, several, or conspiracy
4 liability derived therefrom) conduct described in
5 paragraphs (1) to (3).

6 (b) This section shall not apply to any investigation or
7 proceeding where the conduct subject to potential liability
8 under the investigation or proceeding would be subject to
9 liability under the laws of this State if committed in this
10 State.

11 ~~§323J-5~~ **Prohibition on state action.** The State
12 shall not penalize, prosecute, or otherwise take adverse action
13 against an individual based on the individual's actual,
14 potential, perceived, or alleged pregnancy or gender-affirming
15 health care outcomes. The State shall not penalize, prosecute,
16 or otherwise take adverse action against a person for aiding or
17 assisting ~~a~~:

18 (1) A pregnant individual accessing reproductive health
19 care services ~~[in accordance with]~~ that are lawful
20 under the laws of ~~the~~ this State and with the
21 pregnant individual's voluntary consent~~[-]~~; or



1 (2) An individual accessing gender-affirming health care
2 services that are lawful under the laws of this State
3 and with the individual's voluntary consent.

4 **[+]§323J-6[+] Denial of demands for surrender.**

5 Notwithstanding any provision of chapter 832 to the contrary,
6 the governor shall deny any demand made by the executive
7 authority of any state for the surrender of any person charged
8 with a crime under the laws of that state when the alleged crime
9 involves [the provision or receipt of,]:

10 (1) Seeking, receiving, paying for, or [assistance with,]
11 inquiring about reproductive health care services[7]
12 or gender-affirming health care services;

13 (2) Providing or responding to an inquiry about
14 reproductive health care services or gender-affirming
15 health care services;

16 (3) Assisting or aiding or abetting in any of the conduct
17 described in paragraph (1) or (2); or

18 (4) Attempting or intending to engage in or providing
19 material support for (or any other theory of
20 vicarious, attempt, joint, several, or conspiracy



1 liability derived therefrom) conduct described in
2 paragraphs (1) to (3),
3 unless the acts forming the basis of the prosecution would also
4 constitute a criminal offense in this State. This section shall
5 not apply to demands made under Article IV, section 2, of the
6 United States Constitution.

7 ~~[+]§323J-7[+]~~ **Laws contrary to the public policy of this**
8 **State.** (a) A law of another state authorizing a civil action
9 or criminal prosecution based on any of the following ~~[is]~~ shall
10 be declared to be contrary to the public policy of this State:

11 (1) ~~[Receiving, seeking, or]~~ Seeking, receiving, paying
12 for, or inquiring about reproductive health care
13 services~~[+]~~ or gender-affirming health care services
14 that are lawful under the laws of this State;

15 (2) Providing or responding to an inquiry about
16 reproductive health care services~~[+]~~ or gender-
17 affirming health care services that are lawful under
18 the laws of this State;

19 (3) ~~[Engaging in conduct that assists or aids or abets the~~
20 ~~provision or receipt of reproductive health care~~



1 ~~services,]~~ Assisting or aiding or abetting in any of
2 the conduct described in paragraph (1) or (2); or
3 (4) Attempting or intending to engage in or providing
4 material support for (or any other theory of
5 vicarious, attempt, joint, several or conspiracy
6 liability derived therefrom) conduct described in
7 paragraphs (1) to (3) [~~7~~
8 ~~in accordance with the laws of this State]~~.

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

11 SECTION 4. Section 451J-11, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) The department shall deny, revoke, condition, or
14 suspend a license granted pursuant to this chapter on the
15 following grounds:

16 (1) Conviction by a court of competent jurisdiction of a
17 crime [~~which~~] that the department has determined, by
18 rules adopted pursuant to chapter 91, to be of a
19 nature that renders the person convicted unfit to
20 practice marriage and family therapy[~~7~~], except when
21 the conviction was based on the provision or



1 assistance in receipt or provision of gender-affirming
2 health care services, as defined in section 323J-1, so
3 long as the provision or assistance in receipt or
4 provision of the services was in accordance with the
5 laws of this State or would have been in accordance
6 with the laws of this State if it occurred within this
7 State;

8 (2) Failing to report in writing to the director any
9 disciplinary decision related to the provision of
10 mental health services issued against the licensee or
11 the applicant in any jurisdiction within thirty days
12 of the disciplinary decision, or within thirty days of
13 licensure;

14 (3) Violation of recognized ethical standards for marriage
15 and family therapists or licensed marriage and family
16 therapists as set by the association;

17 (4) Fraud or misrepresentation in obtaining or renewing a
18 license, including making a false certification of
19 compliance with the continuing education requirement
20 set forth in section 451J-10;



- 1 (5) Revocation, suspension, or other disciplinary action
- 2 by any state or federal agency against a licensee or
- 3 applicant for any reason provided under this
- 4 section[+], except when the revocation, suspension, or
- 5 other disciplinary action was based on the provision
- 6 or assistance in receipt or provision of gender-
- 7 affirming health care services, as defined in section
- 8 323J-1, so long as the provision or assistance in
- 9 receipt or provision of the services was in accordance
- 10 with the laws of this State or would have been in
- 11 accordance with the laws of this State if it occurred
- 12 within this State; or
- 13 (6) Other just and sufficient cause that renders a person
- 14 unfit to practice marriage and family therapy."

15 SECTION 5. Section 451J-12, Hawaii Revised Statutes, is
 16 amended to read as follows:

17 "~~{}~~§451J-12~~{}~~ **Confidentiality and privileged**
 18 **communications.** No person licensed as a marriage and family
 19 therapist, nor any of the person's employees or associates,
 20 shall be required to disclose any information that the person



1 may have acquired in rendering marriage and family therapy
2 services except in the following circumstances:

3 (1) As required by law;

4 (2) To prevent a clear and immediate danger to a person or
5 persons;

6 (3) In the course of a civil, criminal, or disciplinary
7 action arising from the therapy where the therapist is
8 a defendant[+], except when the civil, criminal, or
9 disciplinary action by another state or federal agency
10 is based on the provision or assistance in receipt or
11 provision of gender-affirming health care services, as
12 defined in section 323J-1, so long as the provision or
13 assistance in receipt or provision of the services was
14 in accordance with the laws of this State or would
15 have been in accordance with the laws of this State if
16 it occurred within this State;

17 (4) In a criminal proceeding where the client is a
18 defendant and the use of the privilege would violate
19 the defendant's right to a compulsory process of the
20 right to present testimony and witnesses in the
21 defendant's own behalf;



1 (5) In accordance with the terms of a client's previously
2 written waiver of the privilege; or

3 (6) Where more than one person in a family jointly
4 receives therapy and each [~~family member~~] person who
5 is legally competent executes a written waiver[~~+~~in].
6 In that instance, a therapist may disclose information
7 received from any [~~family member~~] person in accordance
8 with the terms of [~~the~~] that person's waiver."

9 SECTION 6. Section 453-8, Hawaii Revised Statutes, is
10 amended by amending subsections (a), (b), and (c) to read as
11 follows:

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

17 (1) Procuring, or aiding or abetting in procuring, an
18 abortion that is unlawful under the laws of this State
19 or that would be unlawful under the laws of this State
20 if performed within this State;



- 1 (2) Employing any person to solicit patients for one's
2 self;
- 3 (3) Engaging in false, fraudulent, or deceptive
4 advertising, including but not limited to:
5 (A) Making excessive claims of expertise in one or
6 more medical specialty fields;
7 (B) Assuring a permanent cure for an incurable
8 disease; or
9 (C) Making any untruthful and improbable statement in
10 advertising one's medical or surgical practice or
11 business;
- 12 (4) Being habituated to the excessive use of drugs or
13 alcohol; or being addicted to, dependent on, or a
14 habitual user of a narcotic, barbiturate, amphetamine,
15 hallucinogen, or other drug having similar effects;
- 16 (5) Practicing medicine while the ability to practice is
17 impaired by alcohol, drugs, physical disability, or
18 mental instability;
- 19 (6) Procuring a license through fraud, misrepresentation,
20 or deceit, or knowingly permitting an unlicensed
21 person to perform activities requiring a license;



- 1 (7) Professional misconduct, hazardous negligence causing
2 bodily injury to another, or manifest incapacity in
3 the practice of medicine or surgery;
- 4 (8) Incompetence or multiple instances of negligence,
5 including but not limited to the consistent use of
6 medical service, which is inappropriate or
7 unnecessary;
- 8 (9) Conduct or practice contrary to recognized standards
9 of ethics of the medical profession as adopted by the
10 Hawaii Medical Association, the American Medical
11 Association, the Hawaii Association of Osteopathic
12 Physicians and Surgeons, or the American Osteopathic
13 Association;
- 14 (10) Violation of the conditions or limitations upon which
15 a limited or temporary license is issued;
- 16 (11) Revocation, suspension, or other disciplinary action
17 by another state or federal agency of a license,
18 certificate, or medical privilege, except when the
19 revocation, suspension, or other disciplinary action
20 was based on the provision or assistance in receipt or
21 provision of ~~medical~~;



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1 (A) Medical, surgical, pharmaceutical, counseling, or
2 referral services relating to the human
3 reproductive system, including but not limited to
4 services relating to pregnancy, contraception, or
5 the termination of a pregnancy~~[r]~~; or

6 (B) Gender-affirming health care services, as defined
7 in section 323J-1,
8 so long as the provision or assistance in receipt or
9 provision of the services was in accordance with the
10 laws of this State or would have been in accordance
11 with the laws of this State if it occurred within this
12 State;

13 (12) Conviction, whether by nolo contendere or otherwise,
14 of a penal offense substantially related to the
15 qualifications, functions, or duties of a physician or
16 osteopathic physician, notwithstanding any statutory
17 provision to the contrary, except when the conviction
18 was based on the provision or assistance in receipt or
19 provision of ~~[medical]~~;

20 (A) Medical, surgical, pharmaceutical, counseling, or
21 referral services relating to the human



1 reproductive system, including but not limited to
2 services relating to pregnancy, contraception, or
3 the termination of a pregnancy~~[7]~~; or

4 (B) Gender-affirming health care services, as defined
5 in section 323J-1,

6 so long as the provision or assistance in receipt or
7 provision of the services was in accordance with the
8 laws of this State or would have been in accordance
9 with the laws of this State if it occurred within this
10 State;

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

14 (14) Failure to report to the board, in writing, any
15 disciplinary decision issued against the licensee or
16 the applicant in another jurisdiction within thirty
17 days after the disciplinary decision is issued; or

18 (15) Submitting to or filing with the board any notice,
19 statement, or other document required under this
20 chapter~~[, which]~~ that is false or untrue or contains
21 any material misstatement or omission of fact.

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

7 (1) Physical and mental evaluation of the applicant by a
8 licensed physician or osteopathic physician approved
9 by the board;

10 (2) Probation, including conditions of probation as
11 requiring observation of the licensee by an
12 appropriate group or society of licensed physicians,
13 osteopathic physicians, or surgeons;

14 (3) Limitation of the license by restricting the fields of
15 practice in which the licensee may engage;

16 (4) Further education or training or proof of performance
17 competency; and

18 (5) Limitation of the medical practice of the licensee in
19 any reasonable manner to assure the safety and welfare
20 of the consuming public;



1 provided that the board shall not impose as a condition for
2 licensure any of the requirements pursuant to this subsection if
3 the disciplinary action related to the practice of medicine
4 taken against the applicant was based on the provision or
5 assistance in receipt or provision of medical, surgical,
6 pharmaceutical, counseling, or referral services relating to the
7 human reproductive system, including but not limited to services
8 relating to pregnancy, contraception, or the termination of a
9 pregnancy, or the provision or assistance in receipt or
10 provision of gender-affirming health care services, as defined
11 in section 323J-1, so long as the provision or assistance in
12 receipt or provision of the services was in accordance with the
13 laws of this State or would have been in accordance with the
14 laws of this State if it occurred within this State.

15 (c) Notwithstanding any other law to the contrary, the
16 board may deny a license to any applicant who has been
17 disciplined by another state or federal agency, except on the
18 basis of discipline for the provision or assistance in receipt
19 or provision of medical, surgical, pharmaceutical, counseling,
20 or referral services relating to the human reproductive system,
21 including but not limited to services relating to pregnancy,



1 contraception, or the termination of a pregnancy, or the
2 provision or assistance in receipt or provision of gender-
3 affirming health care services, as defined in section 323J-1, so
4 long as the provision or assistance in receipt or provision of
5 the services was in accordance with the laws of this State or
6 would have been in accordance with the laws of this State if it
7 occurred within this State. Any final order of discipline taken
8 pursuant to this subsection shall be a matter of public record."

9 SECTION 7. Section 453-8.6, Hawaii Revised Statutes, is
10 amended as follows:

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

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

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



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

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

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

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



1 in section 323J-1, so long as the provision or assistance in
2 receipt or provision of the services was in accordance with the
3 laws of this State or would have been in accordance with the
4 laws of this State if it occurred within this State."

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

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

10 (1) The licensee was the subject of disciplinary action by
11 another state, except where the disciplinary action
12 against the licensee by another state was based on the
13 provision or assistance in receipt or provision of
14 [medical]:

15 (A) Medical, surgical, pharmaceutical, counseling, or
16 referral services relating to the human
17 reproductive system, including but not limited to
18 services relating to pregnancy, contraception, or
19 the termination of a pregnancy~~[r]~~; or

20 (B) Gender-affirming health care services, as defined
21 in section 323J-1,



1 so long as the provision or assistance in receipt or
2 provision of the services was in accordance with the
3 laws of this State or would have been in accordance
4 with the laws of this State if it occurred within this
5 State; and

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

8 SECTION 8. Section 453D-12, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) In addition to any other acts or conditions provided
11 by law, the director may refuse to renew, reinstate, or restore,
12 and may deny, revoke, suspend, or condition in any manner, any
13 license for any one or more of the following acts or conditions
14 on the part of a licensee or license applicant:

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

18 (2) Engaging in false, fraudulent, or deceptive
19 advertising, or making untruthful or improbable
20 statements;



- 1 (3) Being addicted to, dependent on, or a habitual user of
- 2 a narcotic, barbiturate, amphetamine, hallucinogen,
- 3 opium, cocaine, or other drugs or derivatives of a
- 4 similar nature;
- 5 (4) Practicing the licensed profession while impaired by
- 6 alcohol, drugs, physical disability, or mental
- 7 instability;
- 8 (5) Procuring a license through fraud, misrepresentation,
- 9 or deceit;
- 10 (6) Aiding and abetting an unlicensed person to directly
- 11 or indirectly perform activities requiring a license;
- 12 (7) Professional misconduct, incompetence, gross
- 13 negligence, or manifest incapacity, in the practice of
- 14 the licensed profession;
- 15 (8) Engaging in conduct or practice contrary to recognized
- 16 standards of ethics for the licensed profession;
- 17 (9) Violating any condition or limitation upon which a
- 18 conditional or temporary license was issued;
- 19 (10) Engaging in business under a past or present license
- 20 issued pursuant to the licensing laws, in a manner
- 21 causing injury to one or more members of the public;



1 (11) Failing to comply with, observe, or adhere to any law
2 in a manner [~~such~~] that the director deems the
3 applicant or holder to be an unfit or improper person
4 to hold a license;

5 (12) Having had a license revoked or suspended, or having
6 been the subject of other disciplinary action, by
7 another state or a federal agency for any reason
8 provided by the licensing laws or this section[+],
9 except when the revocation, suspension, or other
10 disciplinary action was based on the provision or
11 assistance in receipt or provision of gender-affirming
12 health care services, as defined in section 323J-1, so
13 long as the provision or assistance in receipt or
14 provision of the services was in accordance with the
15 laws of this State or would have been in accordance
16 with the laws of this State if it occurred within this
17 State;

18 (13) Having been convicted of a crime, whether by nolo
19 contendere or otherwise, directly related to the
20 qualifications, functions, or duties of the licensed
21 profession[+], except when the conviction was based on



1 the provision or assistance in receipt or provision of
 2 gender-affirming health care services, as defined in
 3 section 323J-1, so long as the provision or assistance
 4 in receipt or provision of the services was in
 5 accordance with the laws of this State or would have
 6 been in accordance with the laws of this State if it
 7 occurred within this State;

8 (14) Failing to report in writing to the director any
 9 disciplinary decision issued against the licensee or
 10 applicant in another jurisdiction within thirty days
 11 of the disciplinary decision;

12 (15) Employing, utilizing, or attempting to employ or
 13 utilize, at any time, any person not licensed under
 14 the licensing laws where licensure is required; or

15 (16) Violating this chapter, chapter 436B, or any rule or
 16 order of the director."

17 SECTION 9. Section 453D-13, Hawaii Revised Statutes, is
 18 amended to read as follows:

19 "[+]§453D-13[+] **Confidentiality and privileged**
 20 **communications.** No person licensed as a mental health
 21 counselor, nor any of the person's employees or associates,



1 shall be required to disclose any information that the person
2 may have acquired in rendering mental health counseling
3 services, except in the following circumstances:

4 (1) As required by law;

5 (2) To prevent a clear and imminent danger to a person or
6 persons;

7 (3) In accordance with the terms of a previously written
8 waiver of the privilege where the waiver is executed
9 by the client or by the client's legally recognized
10 representative;

11 (4) Where more than one person jointly receives counseling
12 and each person who is legally competent executes a
13 written waiver. In that instance, a mental health
14 counselor may disclose information from any person in
15 accordance with that person's waiver; or

16 (5) In the course of a disciplinary action or pursuant to
17 a duly authorized subpoena issued by the
18 department[-], except when the disciplinary action by
19 another federal or state agency is based on the
20 provision or assistance in receipt or provision of
21 gender-affirming health care services, as defined in



1 section 323J-1, so long as the provision or assistance
2 in receipt or provision of the services was in
3 accordance with the laws of this State or would have
4 been in accordance with the laws of this State if it
5 occurred within this State."

6 SECTION 10. Section 457-12, Hawaii Revised Statutes, is
7 amended by amending subsections (a) and (b) to read as follows:

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

- 15 (1) Fraud or deceit in procuring or attempting to procure
16 a license to practice nursing as a registered nurse or
17 as a licensed practical nurse;
18 (2) Gross immorality;
19 (3) Unfitness or incompetence by reason of negligence,
20 habits, or other causes;



- 1 (4) Habitual intemperance, addiction to, or dependency on
2 alcohol or other habit-forming substances;
- 3 (5) Mental incompetence;
- 4 (6) Unprofessional conduct as defined by the board in
5 accordance with its own rules;
- 6 (7) Wilful or repeated violation of any of the provisions
7 of this chapter or any rule adopted by the board;
- 8 (8) Revocation, suspension, limitation, or other
9 disciplinary action by another state of a nursing
10 license, except when the revocation, suspension,
11 limitation, or other disciplinary action by another
12 state was based on the provision or assistance in
13 receipt or provision of ~~medical~~ ;
- 14 (A) Medical, surgical, pharmaceutical, counseling, or
15 referral services relating to the human
16 reproductive system, including but not limited to
17 services relating to pregnancy, contraception, or
18 the termination of a pregnancy~~[7]~~ ; or
- 19 (B) Gender-affirming health care services, as defined
20 in section 323J-1,



1 so long as the provision or assistance in receipt or
2 provision of the services was in accordance with the
3 laws of this State or would have been in accordance
4 with the laws of this State if it occurred within this
5 State;

6 (9) Conviction, whether by nolo contendere or otherwise,
7 of a penal offense substantially related to the
8 qualifications, functions, or duties of a nurse,
9 notwithstanding any statutory provision to the
10 contrary, except when the conviction was based on the
11 provision or assistance in receipt or provision of
12 ~~medical,~~]:

13 (A) Medical, surgical, pharmaceutical, counseling, or
14 referral services relating to the human
15 reproductive system, including but not limited to
16 services relating to pregnancy, contraception, or
17 the termination of a pregnancy[~~7~~]; or

18 (B) Gender-affirming health care services, as defined
19 in section 323J-1,

20 so long as the provision or assistance in receipt or
21 provision of the services was in accordance with the



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

4 (10) Failure to report to the board any disciplinary action
5 taken against the licensee in another jurisdiction
6 within thirty days after the disciplinary action
7 becomes final;

8 (11) Submitting to or filing with the board any notice,
9 statement, or other document required under this
10 chapter[~~, which~~] that is false or untrue or contains
11 any material misstatement of fact, including a false
12 attestation of compliance with continuing competency
13 requirements; or

14 (12) Violation of the conditions or limitations upon which
15 any license is issued.

16 (b) Notwithstanding any other law to the contrary, the
17 board may deny a license to any applicant who has been
18 disciplined by another state, except on the basis of discipline
19 by another state for the provision or assistance in receipt or
20 provision of [~~medical,~~];



1 (1) Medical, surgical, pharmaceutical, counseling, or
2 referral services relating to the human reproductive
3 system, including but not limited to services relating
4 to pregnancy, contraception, or the termination of a
5 pregnancy~~[r]~~; or

6 (2) Gender-affirming health care services, as defined in
7 section 323J-1,

8 so long as the provision or assistance in receipt or provision
9 of the services was in accordance with the laws of this State or
10 would have been in accordance with the laws of this State if it
11 occurred within this State. Any final order entered pursuant to
12 this subsection shall be a matter of public record."

13 SECTION 11. Section 457-12.5, Hawaii Revised Statutes, is
14 amended as follows:

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

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



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



1 relating to pregnancy, contraception, or the termination of a
2 pregnancy, or the provision or assistance in receipt or
3 provision of gender-affirming health care services, as defined
4 in section 323J-1, so long as the provision or assistance in
5 receipt or provision of the services was in accordance with the
6 laws of this State or would have been in accordance with the
7 laws of this State if it occurred within this State."

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

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

13 (1) The licensee was the subject of disciplinary action by
14 another state, except where the disciplinary action
15 against the licensee by another state was based on the
16 provision or assistance in receipt or provision of
17 [medical,]:

18 (A) Medical, surgical, pharmaceutical, counseling, or
19 referral services relating to the human
20 reproductive system, including but not limited to



1 services relating to pregnancy, contraception, or
2 the termination of a pregnancy~~[7]~~; or

3 (B) Gender-affirming health care services, as defined
4 in section 323J-1,

5 so long as the provision or assistance in receipt or
6 provision of the services was in accordance with the
7 laws of this State or would have been in accordance
8 with the laws of this State if it occurred within this
9 State; and

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

12 SECTION 12. Section 461-21.5, Hawaii Revised Statutes, is
13 amended as follows:

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

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



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



1 relating to pregnancy, contraception, or the termination of a
2 pregnancy, or the provision or assistance in receipt or
3 provision of gender-affirming health care services, as defined
4 in section 323J-1, so long as the provision or assistance in
5 receipt or provision of the services was in accordance with the
6 laws of this State or would have been in accordance with the
7 laws of this State if it occurred within this State."

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

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

13 (1) The licensee was the subject of disciplinary action by
14 another state, except where the disciplinary action
15 against the licensee by another state was based on the
16 provision or assistance in receipt or provision of
17 [medical,]:

18 (A) Medical, surgical, pharmaceutical, counseling, or
19 referral services relating to the human
20 reproductive system, including but not limited to



1 services relating to pregnancy, contraception, or
2 the termination of a pregnancy[~~r~~]; or

3 (B) Gender-affirming health care services, as defined
4 in section 323J-1,

5 so long as the provision or assistance in receipt or
6 provision of the services was in accordance with the
7 laws of this State or would have been in accordance
8 with the laws of this State if it occurred within this
9 State; and

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

12 SECTION 13. Section 465-13, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) In addition to any other actions authorized by law,
15 the board shall refuse to grant a license to any applicant and
16 may revoke or suspend any license, or may place a license or
17 [~~may~~] put a license holder on conditional probation, for any
18 cause authorized by law, including but not limited to the
19 following:

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- 1 (1) Professional misconduct, gross carelessness, manifest
2 incapacity, or incompetency in the practice of
3 psychology;
- 4 (2) Violation of this chapter by the applicant within one
5 year of the application, or violation of this chapter
6 by a license holder any time the license is valid;
- 7 (3) Any unethical practice of psychology as defined by the
8 board in accordance with its own rules;
- 9 (4) Fraud or deception in applying for or procuring a
10 license to practice psychology as defined in section
11 465-1;
- 12 (5) Conviction of a crime substantially related to the
13 qualifications, functions, or duties of
14 psychologists[+], except when the conviction was based
15 on the provision or assistance in receipt or provision
16 of gender-affirming health care services, as defined
17 in section 323J-1, so long as the provision or
18 assistance in receipt or provision of the services was
19 in accordance with the laws of this State or would
20 have been in accordance with the laws of this State if
21 it occurred within this State;



- 1 (6) Wilful unauthorized communication of information
2 received in professional confidence;
- 3 (7) The suspension, revocation, or imposition of
4 probationary conditions by another state of a license
5 or certificate to practice psychology issued by that
6 state if the act for which the disciplinary action was
7 taken constitutes a violation of this chapter;
- 8 (8) The commission of any dishonest, corrupt, or
9 fraudulent act or any act of sexual abuse, or sexual
10 relations with a client, or sexual misconduct that is
11 substantially related to the qualifications,
12 functions, or duties of a psychologist;
- 13 (9) Harassment, intimidation, or abuse, sexual or
14 otherwise, of a client or patient;
- 15 (10) Exercising undue influence in the manner as to exploit
16 the client, patient, student, or supervisee for
17 financial or other personal advantage to the
18 practitioner or a third party;
- 19 (11) Conviction of fraud in filing medicaid claims or
20 conviction of fraud in filing claims to any third
21 party payor, for which a copy of the record of



- 1 conviction, certified by the clerk of the court
2 entering the conviction, shall be conclusive evidence;
- 3 (12) Aiding or abetting any unlicensed person to engage in
4 the practice of psychology;
- 5 (13) Repeated acts of excessive treatment or use of
6 diagnostic procedures as determined by the standard of
7 the local community of licensees;
- 8 (14) Inability to practice psychology with reasonable skill
9 and safety to patients or clients by reason of
10 illness, inebriation, or excessive use of any
11 substance, or as a result of any mental or physical
12 condition;
- 13 (15) Conviction of any crime or offense that reflects the
14 inability of the practitioner to practice psychology
15 with due regard for the health and safety of clients
16 or patients;
- 17 (16) Use of untruthful or deceptive or improbable
18 statements concerning the licensee's qualifications or
19 the effects or results of proposed treatment;



- 1 (17) Functioning outside of the licensee's professional
- 2 competence established by education, training, and
- 3 experience;
- 4 (18) Refusal to comply with any written order of the board;
- 5 (19) Making any fraudulent or untrue statement to the
- 6 board, including a false certification of compliance
- 7 with the continuing education requirement of section
- 8 465-11; or
- 9 (20) Violation of a board rule."

10 SECTION 14. Section 583A-102, Hawaii Revised Statutes, is
11 amended by adding a new definition to be appropriately inserted
12 and to read as follows:

13 "Gender-affirming health care services" has the same
14 meaning as in section 323J-1."

15 SECTION 15. Section 583A-201, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[~~§~~583A-201~~§~~] **Initial child-custody jurisdiction.** (a)
18 Except as otherwise provided in section 583A-204, a court of
19 this State [~~has~~] shall have jurisdiction to make an initial
20 child-custody determination only if:



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1 (1) This State is the home state of the child on the date
2 of the commencement of the proceeding, or was the home
3 state of the child within six months before the
4 commencement of the proceeding and the child is absent
5 from this State but a parent or person acting as a
6 parent continues to live in this State;

7 (2) A court of another state does not have jurisdiction
8 under paragraph (1), or a court of the home state of
9 the child has declined to exercise jurisdiction on the
10 ground that this State is the more appropriate forum
11 under section 583A-207 or 583A-208, and:

12 (A) The child and the child's parents, or the child
13 and at least one parent or a person acting as a
14 parent, have a significant connection with this
15 State other than mere physical presence; and

16 (B) Substantial evidence is available in this State
17 concerning the child's care, protection,
18 training, and personal relationships;

19 (3) All courts having jurisdiction under paragraph (1) or
20 (2) have declined to exercise jurisdiction on the
21 ground that a court of this State is the more



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1 appropriate forum to determine the custody of the
2 child under section 583A-207 or 583A-208; or

3 (4) No court of any other state would have jurisdiction
4 under the criteria specified in paragraph (1), (2), or
5 (3).

6 (b) Subsection (a) shall be the exclusive jurisdictional
7 basis for making a child-custody determination by a court of
8 this State.

9 (c) Physical presence of, or personal jurisdiction over, a
10 party or [a] child shall not be necessary or sufficient to make
11 a child-custody determination.

12 (d) The presence of a child in this State for the purpose
13 of obtaining gender-affirming health care services shall be
14 sufficient to meet the requirements of subsection (a)(2)."

15 SECTION 16. Section 583A-204, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) A court of this State [~~has~~] shall have temporary
18 emergency jurisdiction if the child is present in this State and
19 the child has been abandoned or it is necessary in an emergency
20 to protect the child because [~~the~~]:



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- 1 (1) Whether domestic violence has occurred and is likely
2 to continue in the future and which state could best
3 protect the parties and the child;
- 4 (2) The length of time the child has resided outside this
5 State;
- 6 (3) The distance between the court in this State and the
7 court in the state that would assume jurisdiction;
- 8 (4) The relative financial circumstances of the parties;
- 9 (5) Any agreement of the parties as to which state should
10 assume jurisdiction;
- 11 (6) The nature and location of the evidence required to
12 resolve the pending litigation, including testimony of
13 the child;
- 14 (7) The ability of the court of each state to decide the
15 issue expeditiously and the procedures necessary to
16 present the evidence;
- 17 (8) The familiarity of the court of each state with the
18 facts and issues in the pending litigation; and
- 19 (9) The physical and psychological health of the parties.
- 20 (c) If a court of this State determines that it is an
21 inconvenient forum and that a court of another state is a more



1 appropriate forum, it shall stay the proceedings upon condition
2 that a child-custody proceeding be promptly commenced in another
3 designated state and may impose any other condition the court
4 considers just and proper.

5 (d) A court of this State may decline to exercise its
6 jurisdiction under this chapter if a child-custody determination
7 is incidental to an action for divorce or another proceeding,
8 while still retaining jurisdiction over the divorce or other
9 proceeding.

10 (e) In a case where the provision of gender-affirming
11 health care services to the child is at issue, a court of this
12 State shall not determine that it is an inconvenient forum where
13 the law or policy of the other state that may take jurisdiction
14 limits the ability of a parent to obtain gender-affirming health
15 care services for the child."

16 SECTION 18. Section 583A-208, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[~~§~~583A-208~~]~~ **Jurisdiction declined by reason of**
19 **conduct.** (a) Except as otherwise provided in section 583A-204,
20 if a court of this State has jurisdiction under this chapter
21 because a person seeking to invoke its jurisdiction has engaged



1 in unjustifiable conduct, the court shall decline to exercise
2 its jurisdiction unless:

3 (1) The parents and all persons acting as parents have
4 acquiesced in the exercise of jurisdiction;

5 (2) A court of the state otherwise having jurisdiction
6 under sections 583A-201 to 583A-203 determines that
7 this State is a more appropriate forum under section
8 583A-207; or

9 (3) No court of any other state would have jurisdiction
10 under the criteria specified in sections 583A-201 to
11 583A-203.

12 (b) If a court of this State declines to exercise its
13 jurisdiction pursuant to subsection (a), it may fashion an
14 appropriate remedy to ensure the safety of the child and prevent
15 a repetition of the unjustifiable conduct, including staying the
16 proceeding until a child-custody proceeding is commenced in a
17 court having jurisdiction under sections 583A-201 to 583A-203.

18 (c) If a court dismisses a petition or stays a proceeding
19 because it declines to exercise its jurisdiction pursuant to
20 subsection (a), it may assess against the party seeking to
21 invoke its jurisdiction necessary and reasonable expenses



1 including costs, communication expenses, attorney's fees,
2 investigative fees, expenses for witnesses, travel expenses, and
3 child care during the course of the proceedings, unless the
4 party from whom fees are sought is a protective parent fleeing
5 abuse, or the assessment would be clearly inappropriate. The
6 court [~~may~~] shall not assess fees, costs, or expenses against
7 this State unless authorized by law other than this chapter.

8 (d) In making a determination under this section, a court
9 shall not consider as a factor weighing against the petitioner
10 any taking of the child, or retention of the child after a visit
11 or other temporary relinquishment of physical custody, from the
12 person who has legal custody if there is evidence that the
13 taking or retention of the child was for the purposes of
14 obtaining gender-affirming health care services for the child
15 and the law or policy of the other state limits the ability of a
16 parent to obtain gender-affirming health care services for the
17 child."

18 SECTION 19. Section 636C-9, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[~~†~~]**§636C-9[†]** **Enforcement of foreign penal civil actions**
21 **relating to protected reproductive health care services[~~-~~] or**



1 protected gender-affirming health care services. (a) No
2 judgment or other order arising from a foreign penal civil
3 action or other penal law banning, restricting, burdening,
4 punishing, penalizing, or otherwise interfering with the
5 provision of protected reproductive health care services or
6 protected gender-affirming health care services shall be
7 enforced in this State.

8 (b) As used in this section:

9 "Foreign penal civil action" means an action authorized by
10 the law of a state, or of any municipality or other governmental
11 entity within a state, other than this State, the essential
12 character and effect of which is to punish an offense against
13 the public justice of that state, municipality, or other
14 governmental entity.

15 "Gender-affirming health care services" has the same
16 meaning as in section 323J-1.

17 "Protected gender-affirming health care services" means
18 gender-affirming health care services that are protected under
19 the Hawaii State Constitution or are otherwise lawful under the
20 laws of this State or that would be constitutionally protected
21 or otherwise lawful if performed within this State.



1 "Protected reproductive health care services" means
2 medical, surgical, pharmaceutical, counseling, or referral
3 services relating to the human reproductive system, including
4 but not limited to services relating to pregnancy,
5 contraception, or termination of a pregnancy, that are protected
6 under the Hawaii State Constitution or otherwise lawful under
7 the laws of this State or that would be constitutionally
8 protected or otherwise lawful if performed within this State."

9 SECTION 20. Section 836-2, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§836-2 Summoning witness in this State to testify in**
12 **another state.** (a) If a judge of a court of record in any
13 state ~~[which]~~ that by its laws has made provision for commanding
14 persons within that state to attend and testify in this State
15 certifies under the seal of that court that there is a criminal
16 prosecution pending in that court, or that a grand jury
17 investigation has commenced or is about to commence, that a
18 person in this State is a material witness in the prosecution or
19 grand jury investigation, and that the person's presence will be
20 required for a specified number of days, upon presentation of
21 the certificate to any judge of a court of record in this State



1 in the judicial district in which the person is, the judge shall
2 fix a time and place for a hearing, and shall make an order
3 directing the witness to appear at a time and place certain for
4 the hearing.

5 (b) If at a hearing the judge determines that the witness
6 is material and necessary, that it will not cause undue hardship
7 to the witness to be compelled to attend and testify in the
8 prosecution or a grand jury investigation in the other state,
9 and that the laws of the state in which the prosecution is
10 pending, or grand jury investigation has commenced or is about
11 to commence, and of any other state through which the witness
12 may be required to pass by ordinary course of travel, will give
13 to the witness protection from arrest and the service of civil
14 and criminal process, the judge shall issue a summons, with a
15 copy of the certificate attached, directing the witness to
16 attend and testify in the court where the prosecution is
17 pending, or where a grand jury investigation has commenced or is
18 about to commence at a time and place specified in the summons[~~7~~
19 ~~except~~]; provided that no judge shall issue a summons in a case
20 where prosecution is pending, or where a grand jury
21 investigation has commenced or is about to commence, for a



1 criminal violation of a law of another state involving [~~the~~
2 ~~provision,~~]:

3 (1) Seeking, receiving, paying for, [~~receipt of, or~~
4 assistance with] or inquiring about reproductive
5 health care services [~~as defined in section 323J-1]~~ or
6 gender-affirming health care services;

7 (2) Providing or responding to an inquiry about
8 reproductive health care services or gender-affirming
9 health care services;

10 (3) Assisting or aiding or abetting in any of the conduct
11 described in paragraph (1) or (2); or

12 (4) Attempting or intending to engage in or providing
13 material support for (or any other theory of
14 vicarious, attempt, joint, several, or conspiracy
15 liability derived therefrom) conduct described in
16 paragraphs (1) to (3),

17 unless the acts forming the basis of the prosecution or
18 investigation would also constitute an offense in this State.

19 In any hearing, the certificate shall be prima facie evidence of
20 all the facts stated therein.



1 (c) If the certificate recommends that the witness be
2 taken into immediate custody and delivered to an officer of the
3 requesting state to assure the witness' attendance in the
4 requesting state, the judge may, in lieu of notification of the
5 hearing, direct that the witness be forthwith brought before the
6 judge for the hearing; and the judge at the hearing being
7 satisfied of the desirability of the custody and delivery, for
8 which determination the certificate shall be prima facie proof
9 of the desirability may, in lieu of issuing subpoena or summons,
10 order that the witness be forthwith taken into custody and
11 delivered to an officer of the requesting state.

12 (d) If the witness, who is summoned pursuant to this
13 section, after being paid or tendered by some properly
14 authorized person a sum equivalent to the cost of round-trip air
15 fare to the place where the prosecution is pending and \$30 for
16 each day, that the witness is required to travel and attend as a
17 witness, fails without good cause to attend and testify as
18 directed in the summons, the witness shall be punished in the
19 manner provided for the punishment of any witness who disobeys a
20 summons issued from a court of record in this State.



1 (e) As used in this section, "gender-affirming health care
2 services" and "reproductive health care services" have the same
3 meanings as in section 323J-1."

4 SECTION 21. If any provision of this Act, or the
5 application thereof to any person or circumstance, is held
6 invalid, the invalidity does not affect other provisions or
7 applications of the Act that can be given effect without the
8 invalid provision or application, and to this end the provisions
9 of this Act are severable.

10 SECTION 22. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 23. This Act shall take effect upon its approval;
13 provided that the amendments made to section 451J-12, Hawaii
14 Revised Statutes, by section 5 of this Act and section 453D-13,
15 Hawaii Revised Statutes, by section 9 of this Act shall not be
16 repealed when the amendments made to those sections by sections
17 9 and 18, respectively, of Act 93, Session Laws of Hawaii 2024,
18 take effect on July 1, 2026.

19

INTRODUCED BY: 



S.B. NO. 1150

Report Title:

Gender-Affirming Health Care Services; Protections; Child Custody

Description:

Expands the protections established under Act 2, SLH 2023, to include gender-affirming health care services. Clarifies jurisdiction under the Uniform Child-Custody Jurisdiction and Enforcement Act for cases involving children who obtain gender-affirming health care services.

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

