
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO PROTECT THE
RIGHT TO CONTRACEPTION.

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

1 SECTION 1. The legislature finds that the Constitution of
2 the State of Hawaii must support an individual's ability to make
3 personal decisions about one's own body and medical care through
4 the explicit protection of the right to access contraceptives
5 and engage in contraception. This right includes the right of
6 each person's health care provider to provide contraceptives,
7 contraception, and information, referrals, and services related
8 to contraception.

9 The term "contraception" generally means an action taken to
10 prevent pregnancy, including the use of contraceptives or
11 fertility-awareness-based methods and sterilization procedures.
12 The term "contraceptive" generally means any drug, device, or
13 biological product intended for use in the prevention of
14 pregnancy, whether specifically intended to prevent pregnancy or
15 for other health needs, that is approved, cleared, authorized,
16 or licensed under federal law. Contraceptives include



1 intrauterine devices (IUDs) and emergency contraceptives, such
2 as levonorgestrel (Plan B), ulipristal acetate (Ella), and the
3 emergency application of IUDs, that work by preventing pregnancy
4 and not, as some mistakenly believe, by terminating a pregnancy,
5 stopping the implantation of a fertilized egg, or affecting the
6 developing embryo.

7 The legislature further finds that fourteen
8 states - California, Colorado, Florida, Illinois, Massachusetts,
9 Michigan, Minnesota, New Jersey, New Mexico, Ohio, Oregon, Rhode
10 Island, Vermont, and Washington - plus Washington D.C. have
11 statutory or constitutional protections for the right to
12 contraception.

13 The purpose of this Act is to propose an amendment to
14 article I of the Constitution of the State of Hawaii to protect
15 a person's right to seek and obtain contraceptives and to engage
16 in contraception. The proposed amendment is intended to further
17 the right to privacy guaranteed by section 6 of article I of the
18 Constitution of the State of Hawaii and is not intended to
19 narrow or limit the constitutional right to privacy.



SECTION 2. Article I of the Constitution of the State of Hawaii is amended by adding a new section to be appropriately designated and to read as follows:

"CONTRACEPTION"

Section . No law shall be enacted, nor any state action taken, that denies or interferes with a person's right to obtain contraceptives or voluntarily engage in contraception."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the Constitution of the State of Hawaii be amended to provide that no law shall be enacted, nor any state action taken, that denies or interferes with a person's right to obtain contraceptives or voluntarily engage in contraception?"

SECTION 4. New constitutional material is underscored.

SECTION 5. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.



Report Title:

Constitutional Amendment; Right to Obtain Contraceptives; Right to Engage in Contraception

Description:

Proposes an amendment to article I of the Constitution of the State of Hawaii to protect a person's right to obtain contraceptives and engage in contraception. (SD1)

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

