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## HOUSE CONCURRENT RESOLUTION

AFFIRMING AND SUPPORTING THE REQUIREMENT THAT HOSPITALS PROVIDE LIFE-SAVING EMERGENCY CARE TO PREGNANT PEOPLE, INCLUDING REPRODUCTIVE AND ABORTION SERVICES, WHEN SUCH CARE IS MEDICALLY NECESSARY TO STABILIZE A PATIENT UNDER THE EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT.

1        WHEREAS, the Emergency Medical Treatment and Active Labor  
2 Act (EMTALA), enacted in 1986, requires hospitals that receive  
3 Medicare funding to provide a medical screening examination and  
4 stabilizing treatment to any person with an emergency medical  
5 condition, regardless of their ability to pay; and

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7        WHEREAS, EMTALA has long been interpreted to require that  
8 when a person presents a life- or health-threatening condition  
9 to a hospital, such as hemorrhage, ectopic pregnancy, or  
10 preeclampsia, the hospital must provide abortion care if it is  
11 the necessary stabilizing treatment; and

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13        WHEREAS, shifts in federal policy and guidance in recent  
14 years, including the 2022 federal affirmation of EMTALA's  
15 requirement to provide emergency abortion care and the 2025  
16 rescission of this guidance by the Centers for Medicare and  
17 Medicaid Services, have created national confusion about  
18 EMTALA's application, even though the statute itself remains  
19 fully in effect; and

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21        WHEREAS, the lack of consistent federal guidance has caused  
22 hospitals in some states to delay or deny stabilizing care for  
23 pregnant people, particularly in states with abortion bans,  
24 despite EMTALA's requirements; and

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26        WHEREAS, nationally, some religiously affiliated hospitals  
27 have asserted conscience-based objections to providing emergency



1       abortion care, although EMTALA does not allow for religious  
2       exemptions; and

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4       WHEREAS, failure to provide timely and medically necessary  
5       emergency care, including emergency abortion care, can lead to  
6       preventable medical deterioration, permanent injury, or death;  
7       and

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9       WHEREAS, several states, including Colorado, Illinois, and  
10      New York, have explicitly defined emergency abortion care as a  
11      stabilizing treatment required under EMTALA; and

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13      WHEREAS, Hawaii hospitals and emergency physicians have a  
14      long-standing record of providing stabilizing treatment,  
15      including emergency abortion care when medically necessary, and  
16      continue to support and uphold these standards of care; and

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18      WHEREAS, Hawaii's hospital system has affirmed its  
19      commitment to patient safety, reproductive healthcare access,  
20      and the delivery of high-quality emergency medical care in  
21      accordance with federal law and accepted medical standards; and

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23      WHEREAS, formally recognizing and supporting this long-  
24      standing practice strengthens public confidence, clarifies  
25      Hawaii's policy direction, and reinforces the stability of  
26      emergency care for pregnant people in the State; now, therefore,

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28      BE IT RESOLVED by the House of Representatives of the  
29      Thirty-third Legislature of the State of Hawaii, Regular Session  
30      of 2026, the Senate concurring, that this body affirms and  
31      supports the requirement that hospitals provide life-saving  
32      emergency care to pregnant people, including reproductive and  
33      abortion services, when such care is medically necessary to  
34      stabilize a patient under the Emergency Medical Treatment and  
35      Active Labor Act; and

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37      BE IT FURTHER RESOLVED that this body urges all hospitals  
38      in the State, regardless of religious affiliation, to continue  
39      upholding these established standards of care and ensuring that  
40      no pregnant patient experiencing a medical emergency is denied  
41      or delayed stabilizing care; and

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1 BE IT FURTHER RESOLVED that certified copies of this  
2 Concurrent Resolution be transmitted to the Governor, Director  
3 of Health, President and Chief Executive Officer of the  
4 Healthcare Association of Hawaii, Chief Executive Officer of the  
5 Hawaii Primary Care Association, President of the Hawaii  
6 Association of Health Plans, and President of the Hawaii Medical  
7 Association.

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OFFERED BY:

*Quishie Chiva*

JAN 23 2026

