H.R. NO. 5

HOUSE 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
6
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
12
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
20
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
25
26   WHEREAS, nationally, some religiously affiliated hospitals
27 have asserted conscience-based objections to providing emergency
28 abortion care, although EMTALA does not allow for religious
29 exemptions; and
30

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1   WHEREAS, failure to provide timely and medically necessary
2 emergency care, including emergency abortion care, can lead to
3 preventable medical deterioration, permanent injury, or death;
4 and
5
6   WHEREAS, several states, including Colorado, Illinois, and
7 New York, have explicitly defined emergency abortion care as a
8 stabilizing treatment required under EMTALA; and
9
10   WHEREAS, Hawaii hospitals and emergency physicians have a
11 long-standing record of providing stabilizing treatment,
12 including emergency abortion care when medically necessary, and
13 continue to support and uphold these standards of care; and
14
15   WHEREAS, Hawaii's hospital system has affirmed its
16 commitment to patient safety, reproductive healthcare access,
17 and the delivery of high-quality emergency medical care in
18 accordance with federal law and accepted medical standards; and
19
20   WHEREAS, formally recognizing and supporting this long-
21 standing practice strengthens public confidence, clarifies
22 Hawaii's policy direction, and reinforces the stability of
23 emergency care for pregnant people in the State; now, therefore,
24
25   BE IT RESOLVED by the House of Representatives of the
26 Thirty-third Legislature of the State of Hawaii, Regular Session
27 of 2026, that this body affirms and supports the requirement
28 that hospitals provide life-saving emergency care to pregnant
29 people, including reproductive and abortion services, when such
30 care is medically necessary to stabilize a patient under the
31 Emergency Medical Treatment and Active Labor Act; and
32
33   BE IT FURTHER RESOLVED that this body urges all hospitals
34 in the State, regardless of religious affiliation, to continue
35 upholding these established standards of care and ensuring that
36 no pregnant patient experiencing a medical emergency is denied
37 or delayed stabilizing care; and
38
39   BE IT FURTHER RESOLVED that certified copies of this
40 Resolution be transmitted to the Governor, Director of Health,
41 President and Chief Executive Officer of the Healthcare
42 Association of Hawaii, Chief Executive Officer of the Hawaii

1   Primary Care Association, President of the Hawaii Association of
2   Health Plans, and President of the Hawaii Medical Association.
3
4
5   OFFERED BY: _____
                                        JAN 2 3 2026