

JAN 23 2026

A BILL FOR AN ACT

RELATING TO HEALTH CARE.

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

1 SECTION 1. The legislature finds that safe access to
2 health care services is vital for the health and safety of all
3 residents of the State. Individuals seeking or providing health
4 care should be able to access health care facilities without
5 fear, intimidation, or any form of harassment. The legislature
6 therefore declares that interference with health care facilities
7 should be prohibited and subject to civil and criminal
8 penalties.

9 The purpose of this Act is to protect safe and unobstructed
10 access to health care for patients and their providers by
11 prohibiting persons from interfering with another person's
12 access to a health care facility and establishing civil and
13 criminal penalties for violations.

14 SECTION 2. The Hawaii Revised Statutes is amended by
15 adding a new chapter to title 19 to be appropriately designated
16 and to read as follows:

17 **"CHAPTER**



1 **INTERFERENCE WITH HEALTH CARE FACILITIES**

2 **S323-** **Definitions.** For the purposes of this chapter:

3 "Aggrieved party" means:

4 (1) A person who is physically present at a health care
5 facility whose access is or is about to be obstructed
6 or impeded by another person's intentional, knowing,
7 or reckless interference;

8 (2) A person who is physically present at a health care
9 facility whose care is or is about to be disrupted by
10 another person's intentional, knowing, or reckless
11 interference;

12 (3) A health care facility and its employees or agents;
13 and

14 (4) The owner of a health care facility or the building or
15 property upon which the health care facility is
16 located.

17 "Health care facility" or "facility" has the same meaning
18 as in section 323D-2 and includes any buildings or structures in
19 which the facility is located and any associated driveway.

20 "Health care facility employee" means an officer, director,
21 employee, or agent of a health care facility.



1 "Health care provider" has the same meaning as in section
2 671-1.

3 **§323- Interference with health care facilities**

4 **prohibited; exception.** (a) Except as otherwise provided under
5 federal or state law, it shall be unlawful for any person, alone
6 or in concert, to intentionally, knowingly, or recklessly
7 interfere with another person's access to or from a health care
8 facility or intentionally, knowingly, or recklessly disrupt the
9 normal functioning of a health care facility by:

10 (1) Physically obstructing or impeding the free passage of
11 another person seeking to enter or depart from the
12 facility or from the common areas of the real property
13 on which the facility is located;

14 (2) Making or causing a noise that unreasonably disturbs
15 the peace within the facility or that constitutes a
16 violation of section 342F-30;

17 (3) Trespassing on the facility or the common areas of the
18 real property upon which the facility is located;

19 (4) Making or causing repeated telephone calls to a
20 person, including a health care facility employee or
21 health care provider, or a health care facility with



7 (b) This section shall not apply to actions taken as part
8 of a labor demonstration or when exercising the right to strike.

9 **§323- Criminal penalties.** (a) In addition to any
10 other penalties, any person who intentionally, knowingly, or
11 recklessly violates this part, whether alone or in concert,
12 shall be guilty of a petty misdemeanor and shall be punished as
13 follows:

14 (1) For a first offense, a fine of no less than \$250 and a
15 term of imprisonment of at least twenty-four
16 consecutive hours;

17 (2) For a second offense, a fine of no less than \$750 and
18 a term of imprisonment of at least seven consecutive
19 days; and



4 (b) A court having jurisdiction in a criminal proceeding
5 under this chapter shall take all reasonably necessary steps to
6 safeguard the individual privacy of an aggrieved party and
7 prevent harassment of a patient, health care provider, or health
8 care facility employee who is a party or witness to a
9 proceeding, including granting protective orders and motions in
10 limine.

11 (c) For the purposes of this section, "person" means a
12 person eighteen years of age or older.

13 **§323- Civil remedies.** (a) Any aggrieved party may
14 bring a civil suit against a person or persons who
15 intentionally, knowingly, or recklessly violated this chapter in
16 the district court of the district in which the violation took
17 place to enjoin further violations and recover actual damages
18 sustained. The aggrieved party shall not be required to allege
19 or prove actual damages to prevail.

20 (b) The court may, in its discretion, increase the award
21 of damages to an amount not to exceed \$500, or \$5,000 if the



1 aggrieved party is a health care facility, for each day of
2 continued violation. The court may, in its discretion and
3 subject to all applicable federal and state laws, regulations,
4 and rules, issue injunctive relief without bond.

5 (c) In any action brought under this section, the
6 prevailing party shall be entitled to the recovery of costs of
7 the suit, including court costs and fees and reasonable
8 attorney's fees.

9 (d) A court having jurisdiction in a criminal proceeding
10 under this chapter shall take all reasonably necessary steps to
11 safeguard the individual privacy of an aggrieved party and
12 prevent harassment of a patient, health care provider, or health
13 care facility employee who is a party or witness to a
14 proceeding, including granting protective orders and motions in
15 limine.

16 (e) The attorney general may bring an action in a court of
17 competent jurisdiction for appropriate injunctive or other
18 equitable relief against any person who is reasonably believed
19 to violate or who is in the course of violating this chapter.

20 **S323- Enforcement.** Enforcement of this chapter shall
21 be under the concurrent jurisdiction of the attorney general,



1 the prosecuting attorneys or deputy prosecuting attorneys of the
2 various counties, and the police departments of the various
3 counties.

4 **§323- Remedies and penalties not exclusive.** The
5 penalties and remedies provided in this chapter with respect to
6 any violation of this chapter shall not be deemed exclusive of
7 each other or of any other civil or criminal rights, remedies,
8 or penalties provided or allowed by law with respect to any
9 violation."

10 SECTION 3. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 4. This Act shall take effect upon its approval.

14

INTRODUCED BY:

Michelle A. Stolani



S.B. NO. 2845

Report Title:

Health Care Facilities; Interference; Disruption; Petty Misdemeanor; Private Right of Action; Civil Remedies; Criminal Penalties; Attorney General

Description:

Prohibits persons from interfering with another person's access to or from a health care facility or disrupting the normal functioning of a health care facility. Makes violations a petty misdemeanor. Establishes a private right of action for individuals and health care facilities harmed as a result of interference with a health care facility. Authorizes the Attorney General to bring an action for injunctive or other equitable relief.

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

