

JAN 28 2026

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## SENATE CONCURRENT RESOLUTION

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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

22  
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 Senate of the Thirty-third  
29 Legislature of the State of Hawaii, Regular Session of 2026, the  
30 House of Representatives 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

36  
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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# S.C.R. NO. 7

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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10 OFFERED BY:

Michelle N. Adams

