

JAN 28 2026

SENATE 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 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

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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

42



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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OFFERED BY:

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