

STAND. COM. REP. NO.

3798

Honolulu, Hawaii

APR 10 2026

RE: H.B. No. 1875
H.D. 2
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1875, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH CARE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Expand the protections established under Act 2, Session Laws of Hawaii 2023, to include gender-affirming health care services, including clarifying permitted disclosures of protected health information to address changes in federal regulations;
- (2) Establish protections against abusive litigation; and
- (3) Prohibit medical malpractice insurers and health carriers from taking certain adverse actions against health care providers solely on the basis that the health care provider provides lawful reproductive health care services or gender-affirming health care services.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; State Health Planning and Development Agency; Hawai'i State Center for Nursing; Hawai'i State Youth Commission; Hawai'i State Lesbian, Gay, Bisexual,



Transgender, Queer Plus Commission; Hawai'i State Commission on the Status of Women; ACLU Hawai'i; Hawaii Medical Association; Hawai'i Public Health Institute; PFLAG O'ahu; Hawai'i Health & Harm Reduction Center; Stonewall Caucus of the Democratic Party of Hawai'i; Democratic Party of Hawai'i; American College of Obstetricians and Gynecologists, Hawai'i Section; Transgender Military Hub; Planned Parenthood Alliance Advocates-Hawai'i; AAUW of Hawai'i; Ala Moana-Kaka'ako Neighborhood Board No. 11; Essential Access Health; Pride at Work-Hawai'i; HOKU PAC; Hawai'i Women's Coalition; Hawai'i Women Lawyers; Hawaii State AFL-CIO; Indivisible Hawaii Healthcare Team; Healthcare Association of Hawaii; Prince Kūhiō Hawaiian Civic Club; and numerous individuals.

Your Committee received testimony in opposition to this measure from the Libertarian Party of Hawaii, Hawai'i Family Forum, and seventeen individuals.

Your Committee received comments on this measure from the Office of Information Practices and Hawaii Medical Service Association.

Your Committee finds that the State has consistently affirmed its commitment to protecting bodily autonomy and access to safe and legal health care services. Individuals should not face investigation, prosecution, or civil liability across state lines for seeking, providing, or assisting access to care in the State. This measure will provide practical protection to patients, providers, and people who assist them from out-of-state interference while preserving access to lawful care in the State.

Your Committee notes the concern raised by Planned Parenthood that the protections for aggrieved persons in the State exclude out-of-state providers who are licensed in the State and provide care in the State. Allowing aggrieved persons who accessed, received, provided, or facilitated reproductive or gender-affirming health care to bring a civil action against a person or entity engaging in abusive litigation will ensure that out-of-state providers and patients may benefit from these protections. Your Committee further notes the concern that, at the federal level, attempts are being made to exclude certain types of care for youth from the current medically accepted standard of care. If political redefining of the term "standard



of care" is successful, it could undermine the protections established by this measure. Thus, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Inserting language clarifying that a person subject to abusive litigation may bring a civil action against the person or entity in the circuit where the aggrieved person resides or accessed, received, provided, or facilitated reproductive or gender-affirming health care services;
- (2) Inserting language clarifying that abusive litigation does not include standard health care actions or activities of a health payor regarding insurance coverage status, fraud, waste, or lawful activities of a health payor to enforce its rights under a contract with a person or entity;
- (3) Deleting the reference to "standard of care" from the definition of "gender affirming health care services";
- (4) Amending section 1 to reflect its amended purpose;
- (5) Making it effective on July 1, 2026; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1875, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1875, H.D. 2, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

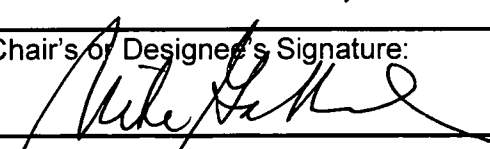


KARL RHOADS, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

**Record of Votes
Committee on Judiciary
JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1875 HD 2 SD1	HHS/CPN, JDC	4/7/26		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)			✓	
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			✓
TOTAL	3	-	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designer's Signature:				
				
Distribution: Original Yellow Pink				
File with Committee Report Committee Drafting Agency				

*Only one measure per Record of Votes