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# A BILL FOR AN ACT

RELATING TO HEALTH CARE.

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

1           SECTION 1. Chapter 323J, Hawaii Revised Statutes, is  
2 amended by adding three new sections to be appropriately  
3 designated and to read as follows:

4           "§323J-           Abusive litigation; prohibited; remedies. (a)

5 If a person or entity, whether or not acting under the color of  
6 law, engages in or attempts to engage in abusive litigation, or  
7 attempts to enforce any order or judgment issued in connection  
8 with any such abusive litigation, any aggrieved person may bring  
9 a civil action in the circuit court of the circuit in which the  
10 aggrieved person resides against that person or entity for:

11           (1) Injunctive relief;

12           (2) Actual damages, including the amount of any judgment  
13           issued in connection with the abusive litigation;

14           (3) Expenses, costs, and reasonable attorney's fees  
15           incurred in connection with the abusive litigation;

16           (4) Expenses, costs, and reasonable attorney's fees  
17           incurred to bring an action under this section; and



1        (5) Punitive damages.

2        (b) Any civil action filed pursuant to this section shall  
3 be filed within six years after the date the abusive litigation  
4 is commenced, or if the person or entity is attempting to  
5 enforce an order or a judgment, within six years after the date  
6 enforcement is attempted.

7        (c) As used in this section:

8        "Abusive litigation" means any litigation or other legal  
9 action, including civil, criminal, or administrative action,  
10 brought against another person or entity for accessing,  
11 receiving, providing, facilitating, or attempting to access,  
12 receive, provide, or facilitate reproductive health care  
13 services or gender-affirming health care services that are  
14 lawful under the laws of this State.

15        "Aggrieved person" means:

16        (1) A person or entity against whom abusive litigation is  
17 filed or prosecuted or against whom an order or  
18 judgment issued in connection with such abusive  
19 litigation is attempted to be enforced; or

20        (2) The employer or principal of a person against whom  
21 abusive litigation is filed or prosecuted or against



1 whom an order or a judgment issued in connection with  
 2 such abusive litigation is attempted to be enforced if  
 3 the action that forms the basis of the abusive  
 4 litigation was performed within the scope of the  
 5 person's employment or agency relationship.

6 **§323J- Medical malpractice insurance; prohibited**

7 **actions.** (a) Any insurer that issues medical malpractice  
 8 insurance in the State shall not take a prohibited action  
 9 against an applicant for, or the named insured under, a medical  
 10 malpractice policy in this State solely because the applicant or  
 11 insured has provided, or assisted in the provision of,  
 12 reproductive health care services or gender-affirming health  
 13 care services or made a referral for reproductive health care  
 14 services or gender-affirming health care services; provided that  
 15 the care provided by the applicant or insured was consistent  
 16 with generally accepted standards of practice under the laws of  
 17 this State and did not otherwise violate the laws of this State.

18 (b) As used in this section, "prohibited action" means:

- 19 (1) Refusing to issue a medical malpractice policy;
- 20 (2) Canceling or terminating a medical malpractice policy;
- 21 (3) Refusing to renew a medical malpractice policy; or





1 defined by the patient, and may include the following  
2 interventions to:

3 (A) Suppress the development of endogenous secondary  
4 sex characteristics;

5 (B) Align the patient's appearance or physical body  
6 with the patient's gender identity; or

7 (C) Alleviate symptoms of clinically significant  
8 distress resulting from gender dysphoria, as  
9 defined by the most recent edition of the  
10 Diagnostic and Statistical Manual of Mental  
11 Disorders; or

12 (2) Mental health care or behavioral health care that  
13 respects the gender identity of the patient, as  
14 experienced and defined by the patient, and may  
15 include developmentally appropriate exploration and  
16 integration of identity, reduction of distress,  
17 adaptive coping, or strategies to increase family  
18 acceptance.

19 "Person" includes an individual, partnership, joint  
20 venture, corporation, association, business, trust, or any



1 organized group of persons or legal entity, or any combination  
2 thereof.

3 "Reproductive health care services" includes all medical,  
4 surgical, pharmaceutical, counseling, or referral services  
5 relating to the human reproductive system, including but not  
6 limited to services relating to pregnancy, contraception, or the  
7 termination of a pregnancy.

8 ~~[§323J-2] Disclosures prohibited.~~ Protected health  
9 information; disclosure or use, when prohibited; covered  
10 entities; written consent. (a) ~~[Except as provided in rules~~  
11 ~~504, 504.1, and 505.5 of the Hawaii rules of evidence and~~  
12 ~~subsection (b) or as authorized under the Health Insurance~~  
13 ~~Portability and Accountability Act of 1996, P.L. 104-191, and~~  
14 ~~federal regulations promulgated thereunder, in any civil action~~  
15 ~~or any proceeding preliminary thereto or in any probate,~~  
16 ~~legislative, or administrative proceeding, no covered entity, as~~  
17 ~~defined in title 45 Code of Federal Regulations section 160.103,~~  
18 ~~or as the same as may be from time to time amended or modified,~~  
19 ~~shall disclose:~~  
20 ~~(1) Any communication made to the covered entity, or any~~  
21 ~~information obtained by the covered entity from a~~



1 ~~patient or the conservator, guardian, or other~~  
2 ~~authorized legal representative of a patient relating~~  
3 ~~to reproductive health care services that are~~  
4 ~~permitted under the laws of the State; or~~  
5 ~~(2) Any information obtained by personal examination of a~~  
6 ~~patient relating to reproductive health care services~~  
7 ~~that are permitted under the laws of the State,~~  
8 ~~unless the patient or that patient's conservator, guardian, or~~  
9 ~~other authorized legal representative explicitly consents to the~~  
10 ~~disclosure in writing in the form of a release of protected~~  
11 ~~health information compliant with the federal Health Insurance~~  
12 ~~Portability and Accountability Act of 1996, P.L. 104-191, as~~  
13 ~~amended. A covered entity shall inform the patient or the~~  
14 ~~patient's conservator, guardian, or other authorized legal~~  
15 ~~representative of the patient's right to withhold the written~~  
16 ~~consent.~~  
17 ~~(b) Written consent of the patient or the patient's~~  
18 ~~conservator, guardian, or other authorized legal representative~~  
19 ~~shall not be required for the disclosure of the communication or~~  
20 ~~information.~~



- 1       ~~(1) If the records relate to a patient who is a plaintiff~~  
2       ~~in a complaint pending before a court of competent~~  
3       ~~jurisdiction alleging health care negligence and a~~  
4       ~~request for records has been served on a named~~  
5       ~~defendant in that litigation;~~
- 6       ~~(2) If the records are requested by a licensing authority,~~  
7       ~~as defined in section 436B-2, and the request is made~~  
8       ~~in connection with an investigation of a complaint to~~  
9       ~~the licensing authority and the records are related to~~  
10       ~~the complaint, unless the complaint is made solely on~~  
11       ~~the basis that the licensee, acting within the~~  
12       ~~licensee's scope of practice, provided reproductive~~  
13       ~~health care services that are lawful in this State;~~
- 14       ~~(3) To the director of health for records of a patient of~~  
15       ~~a covered entity in connection with an investigation~~  
16       ~~of a complaint, if the records are related to the~~  
17       ~~complaint; or~~
- 18       ~~(4) If child abuse, abuse of an individual who is sixty~~  
19       ~~years of age or older, abuse of an individual who is~~  
20       ~~physically disabled or incompetent, or abuse of an~~



1 ~~individual with an intellectual disability is known or~~  
2 ~~in good faith suspected.]~~

3 No covered entity shall use or disclose protected health  
4 information for purposes or activities relating to conducting a  
5 criminal, civil, or administrative investigation into any person  
6 for the mere act of seeking, obtaining, providing, or  
7 facilitating reproductive health care services or gender-  
8 affirming health care services, or for purposes or activities  
9 relating to imposing criminal, civil, or administrative  
10 liability on any person for the mere act of seeking, obtaining,  
11 providing, or facilitating reproductive health care services or  
12 gender-affirming health care services, where the reproductive  
13 health care services or gender-affirming health care services  
14 are:

- 15 (1) Lawful under the laws of this State; or
- 16 (2) Protected, required, or authorized by federal law,  
17 including the United States Constitution, under the  
18 circumstances in which such services are provided,  
19 regardless of the state in which they are provided.

20 For purposes of this subsection, reproductive health care  
21 services or gender-affirming health care services are presumed



1 lawful unless the covered entity has actual knowledge that the  
2 reproductive health care services or gender-affirming health  
3 care services were not lawful under the circumstances in which  
4 they were provided, or factual information supplied by the  
5 person requesting the use or disclosure of protected health  
6 information that demonstrates a substantial factual basis that  
7 the reproductive health care services or gender-affirming health  
8 care services were not lawful under the specific circumstances  
9 in which they were provided.

10 (b) When a covered entity receives a request for protected  
11 health information relating to reproductive health care services  
12 or gender-affirming health care services and the request is for:

13 (1) Health oversight activities, as described in title 45  
14 Code of Federal Regulations section 164.512(d), as  
15 that section may be amended or modified from time to  
16 time;

17 (2) Judicial and administrative proceedings, as described  
18 in title 45 Code of Federal Regulations section  
19 164.512(e), as that section may be amended or modified  
20 from time to time;



1       (3) Law enforcement purposes, as described in title 45  
2       Code of Federal Regulations section 164.512(f), as  
3       that section may be amended or modified from time to  
4       time; or

5       (4) Coroners and medical examiners, as described in title  
6       45 Code of Federal Regulations section 164.512(g) (1),  
7       as that section may be amended or modified from time  
8       to time,

9       the covered entity may disclose the requested protected health  
10       information; provided that the covered entity obtains from the  
11       person requesting the protected health information a written,  
12       signed attestation that the disclosure is not otherwise  
13       prohibited by subsection (a). Any person who knowingly provides  
14       a false attestation under this section is guilty of a  
15       misdemeanor.

16       (c) Nothing in this section shall be construed to impede  
17       the lawful sharing of ~~[medical records]~~ protected health  
18       information as ~~[permitted by state or]~~ required by federal law  
19       or the ~~[rules of the court, except in the case of a subpoena or~~  
20       ~~warrant issued by a court, government agency, or legislative~~  
21       ~~body of another state commanding the production, copying, or~~



1 ~~inspection of medical records relating to reproductive health~~  
2 ~~care services.]~~ laws of this State, or as authorized by the  
3 patient or the patient's conservator, guardian, or other  
4 authorized legal representative in a valid, written  
5 authorization for the disclosure that complies with the federal  
6 Health Insurance Portability and Accountability Act of 1996,  
7 P.L. 104-191, as amended, and federal regulations promulgated  
8 thereunder; provided that a covered entity shall inform the  
9 patient or the patient's conservator, guardian, or other  
10 authorized legal representative of the patient's right to  
11 withhold the written consent.

12 (d) As used in this section:

13 "Covered entity" has the same meaning as in title 45 Code  
14 of Federal Regulations section 160.103, as that section may be  
15 amended or modified from time to time.

16 "Protected health information" has the same meaning as in  
17 title 45 Code of Federal Regulations section 160.103, as that  
18 section may be amended or modified from time to time.

19 **[+]§323J-3[+]** **Subpoenas; when allowed.** Notwithstanding  
20 sections 624-27 and 624D-3 or any other law to the contrary, no  
21 court or clerk of a court shall order the issuance of a subpoena



1 requested by an officer, appointed according to the laws or  
2 usages of another state or government, or by any court of the  
3 United States or of another state or government, in connection  
4 with an out-of-state or interstate investigation or proceeding  
5 relating to reproductive health care services [~~legally performed~~  
6 ~~in the~~] or gender-affirming health care services that are lawful  
7 under the laws of this State.

8 **[+]§323J-4[+] Agencies prohibited from providing**  
9 **information or expending resources.** (a) No agency, as defined  
10 in section 92F-3, or employee, appointee, officer, official, or  
11 any other person acting on behalf of an agency shall provide any  
12 nonpublic information or expend or use time, money, facilities,  
13 property, equipment, personnel, or other resources in  
14 furtherance of any out-of-state or interstate investigation or  
15 proceeding seeking to impose civil or criminal liability upon a  
16 person or entity for:

17 (1) [~~The provision, seeking,~~] Seeking, receiving, paying  
18 for, [~~receipt of,~~] or inquiring about reproductive  
19 health care services [~~that are legal in the~~] or  
20 gender-affirming health care services that are lawful  
21 under the laws of this State; [✗]



1        (2) Providing or responding to an inquiry about  
2        reproductive health care services or gender-affirming  
3        health care services that are lawful under the laws of  
4        this State;

5        [~~2~~] (3) Assisting [any person or entity providing,  
6        seeking, receiving, paying for, or responding to an  
7        inquiry about reproductive health care services that  
8        are legal in the State.] or aiding or abetting in any  
9        of the conduct described in paragraph (1) or (2); or

10       (4) Attempting or intending to engage in or providing  
11       material support for (or any other theory of  
12       vicarious, attempt, joint, several, or conspiracy  
13       liability derived therefrom) conduct described in  
14       paragraphs (1) to (3).

15       (b) This section shall not apply to any investigation or  
16 proceeding where the conduct subject to potential liability  
17 under the investigation or proceeding would be subject to  
18 liability under the laws of this State if committed in this  
19 State.

20       **[+]§323J-5[+]** **Prohibition on state action.** The State  
21 shall not penalize, prosecute, or otherwise take adverse action



1 against an individual based on the individual's actual,  
2 potential, perceived, or alleged pregnancy or gender-affirming  
3 health care outcomes. The State shall not penalize, prosecute,  
4 or otherwise take adverse action against a person for aiding or  
5 assisting [a]:

6 (1) A pregnant individual accessing reproductive health  
7 care services [~~in accordance with~~] that are lawful  
8 under the laws of [~~the~~] this State and with the  
9 pregnant individual's voluntary consent[~~-~~]; or

10 (2) An individual accessing gender-affirming health care  
11 services that are lawful under the laws of this State  
12 and with the individual's voluntary consent.

13 **[+]§323J-6[+] Denial of demands for surrender.**

14 Notwithstanding any provision of chapter 832 to the contrary,  
15 the governor shall deny any demand made by the executive  
16 authority of any state for the surrender of any person charged  
17 with a crime under the laws of that state when the alleged crime  
18 involves [~~the provision or receipt of,~~]:

19 (1) Seeking, receiving, paying for, or [~~assistance with,~~  
20 inquiring about reproductive health care services[~~-~~]  
21 or gender-affirming health care services;



1       (2) Providing or responding to an inquiry about  
2       reproductive health care services or gender-affirming  
3       health care services;

4       (3) Assisting or aiding or abetting in any of the conduct  
5       described in paragraph (1) or (2); or

6       (4) Attempting or intending to engage in or providing  
7       material support for (or any other theory of  
8       vicarious, attempt, joint, several, or conspiracy  
9       liability derived therefrom) conduct described in  
10       paragraphs (1) to (3),

11 unless the acts forming the basis of the prosecution would also  
12 constitute a criminal offense in this State. This section shall  
13 not apply to demands made under Article IV, section 2, of the  
14 United States Constitution.

15       ~~§~~323J-7~~§~~ **Laws contrary to the public policy of this**

16 **State.** (a) A law of another state authorizing a civil action  
17 or criminal prosecution based on any of the following ~~is~~ shall  
18 be declared to be contrary to the public policy of this State:

19       (1) Receiving, seeking, ~~or~~ paying for, or inquiring  
20       about reproductive health care services ~~or~~ gender-



1 affirming health care services that are lawful under  
2 the laws of this State;

3 (2) Providing or responding to an inquiry about  
4 reproductive health care services[+] or gender-  
5 affirming health care services that are lawful under  
6 the laws of this State;

7 (3) [~~Engaging in conduct that assists or aids or abets the~~  
8 ~~provision or receipt of reproductive health care~~  
9 ~~services;~~] Assisting or aiding or abetting in any of  
10 the conduct described in paragraph (1) or (2); or

11 (4) Attempting or intending to engage in or providing  
12 material support for (or any other theory of  
13 vicarious, attempt, joint, several or conspiracy  
14 liability derived therefrom) conduct described in  
15 paragraphs (1) to (3) [~~+~~

16 ~~in accordance with the laws of this State].~~

17 (b) No law described in subsection (a) shall be applied to  
18 a case or controversy heard in the courts of this State."

19 SECTION 3. Section 451J-11, Hawaii Revised Statutes, is  
20 amended by amending subsection (a) to read as follows:



1           (a) The department shall deny, revoke, condition, or  
2 suspend a license granted pursuant to this chapter on the  
3 following grounds:

- 4           (1) Conviction by a court of competent jurisdiction of a  
5 crime [~~which~~] that the department has determined, by  
6 rules adopted pursuant to chapter 91, to be of a  
7 nature that renders the person convicted unfit to  
8 practice marriage and family therapy[+], except when  
9 the conviction was based on the provision or  
10 assistance in receipt or provision of gender-affirming  
11 health care services, as defined in section 323J-1, so  
12 long as the provision or assistance in receipt or  
13 provision of the services was in accordance with the  
14 laws of this State or would have been in accordance  
15 with the laws of this State if it occurred within this  
16 State;
- 17           (2) Failing to report in writing to the director any  
18 disciplinary decision related to the provision of  
19 mental health services issued against the licensee or  
20 the applicant in any jurisdiction within thirty days



- 1 of the disciplinary decision, or within thirty days of  
2 licensure;
- 3 (3) Violation of recognized ethical standards for marriage  
4 and family therapists or licensed marriage and family  
5 therapists as set by the association;
- 6 (4) Fraud or misrepresentation in obtaining or renewing a  
7 license, including making a false certification of  
8 compliance with the continuing education requirement  
9 set forth in section 451J-10;
- 10 (5) Revocation, suspension, or other disciplinary action  
11 by any state or federal agency against a licensee or  
12 applicant for any reason provided under this  
13 section[?], except when the revocation, suspension, or  
14 other disciplinary action was based on the provision  
15 or assistance in receipt or provision of gender-  
16 affirming health care services, as defined in section  
17 323J-1, so long as the provision or assistance in  
18 receipt or provision of the services was in accordance  
19 with the laws of this State or would have been in  
20 accordance with the laws of this State if it occurred  
21 within this State; or



1 (6) Other just and sufficient cause that renders a person  
2 unfit to practice marriage and family therapy."

3 SECTION 4. Section 451J-12, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 **"§451J-12 Confidentiality and privileged communications.**

6 No person licensed as a marriage and family therapist or any  
7 associate marriage and family therapist, nor any of the person's  
8 employees or associates, shall be required to disclose any  
9 information that the person may have acquired in rendering  
10 marriage and family therapy services except in the following  
11 circumstances:

- 12 (1) As required by law;
- 13 (2) To prevent a clear and immediate danger to a person or  
14 persons;
- 15 (3) In the course of a civil, criminal, or disciplinary  
16 action arising from the therapy where the therapist is  
17 a defendant[+], except when the civil, criminal, or  
18 disciplinary action by another federal or state agency  
19 is based on the provision or assistance in receipt or  
20 provision of gender-affirming health care services, as  
21 defined in section 323J-1, so long as the provision or



1 assistance in receipt or provision of the services was  
2 in accordance with the laws of this State or would  
3 have been in accordance with the laws of this State if  
4 it occurred within this State;

5 (4) In a criminal proceeding where the client is a  
6 defendant and the use of the privilege would violate  
7 the defendant's right to a compulsory process of the  
8 right to present testimony and witnesses in the  
9 defendant's own behalf;

10 (5) In accordance with the terms of a client's previously  
11 written waiver of the privilege; or

12 (6) Where more than one person in a family jointly  
13 receives therapy and each [~~family member~~] person who  
14 is legally competent executes a written waiver[~~+~~ in].  
15 In that instance, a marriage and family therapist or  
16 an associate marriage and family therapist may  
17 disclose information received from any [~~family member~~]  
18 person in accordance with the terms of the person's  
19 waiver."



1 SECTION 5. Section 453-8, Hawaii Revised Statutes, is  
2 amended by amending subsections (a), (b), and (c) to read as  
3 follows:

4 "(a) In addition to any other actions authorized by law,  
5 any license to practice medicine and surgery may be revoked,  
6 limited, or suspended by the board at any time in a proceeding  
7 before the board, or may be denied, for any cause authorized by  
8 law, including but not limited to the following:

- 9 (1) Procuring, or aiding or abetting in procuring, an  
10 abortion that is unlawful under the laws of this State  
11 or that would be unlawful under the laws of this State  
12 if performed within this State;
- 13 (2) Employing any person to solicit patients for one's  
14 self;
- 15 (3) Engaging in false, fraudulent, or deceptive  
16 advertising, including but not limited to:
  - 17 (A) Making excessive claims of expertise in one or  
18 more medical specialty fields;
  - 19 (B) Assuring a permanent cure for an incurable  
20 disease; or



- 1 (C) Making any untruthful and improbable statement in  
2 advertising one's medical or surgical practice or  
3 business;
- 4 (4) Being habituated to the excessive use of drugs or  
5 alcohol; or being addicted to, dependent on, or a  
6 habitual user of a narcotic, barbiturate, amphetamine,  
7 hallucinogen, or other drug having similar effects;
- 8 (5) Practicing medicine while the ability to practice is  
9 impaired by alcohol, drugs, physical disability, or  
10 mental instability;
- 11 (6) Procuring a license through fraud, misrepresentation,  
12 or deceit, or knowingly permitting an unlicensed  
13 person to perform activities requiring a license;
- 14 (7) Professional misconduct, hazardous negligence causing  
15 bodily injury to another, or manifest incapacity in  
16 the practice of medicine or surgery;
- 17 (8) Incompetence or multiple instances of negligence,  
18 including but not limited to the consistent use of  
19 medical service, which is inappropriate or  
20 unnecessary;



- 1           (9) Conduct or practice contrary to recognized standards
- 2                   of ethics of the medical profession as adopted by the
- 3                   Hawaii Medical Association, the American Medical
- 4                   Association, the Hawaii Association of Osteopathic
- 5                   Physicians and Surgeons, or the American Osteopathic
- 6                   Association;
- 7           (10) Violation of the conditions or limitations upon which
- 8                   a limited or temporary license is issued;
- 9           (11) Revocation, suspension, or other disciplinary action
- 10                   by another state or federal agency of a license,
- 11                   certificate, or medical privilege, except when the
- 12                   revocation, suspension, or other disciplinary action
- 13                   was based on the provision or assistance in receipt or
- 14                   provision of [~~medical~~]:
- 15                   (A) Medical, surgical, pharmaceutical, counseling, or
- 16                   referral services relating to the human
- 17                   reproductive system, including but not limited to
- 18                   services relating to pregnancy, contraception, or
- 19                   the termination of a pregnancy[~~7~~]; or
- 20                   (B) Gender-affirming health care services, as defined
- 21                   in section 323J-1,



1 so long as the provision or assistance in receipt or  
2 provision of the services was in accordance with the  
3 laws of this State or would have been in accordance  
4 with the laws of this State if it occurred within this  
5 State;

6 (12) Conviction, whether by nolo contendere or otherwise,  
7 of a penal offense substantially related to the  
8 qualifications, functions, or duties of a physician or  
9 osteopathic physician, notwithstanding any statutory  
10 provision to the contrary, except when the conviction  
11 was based on the provision or assistance in receipt or  
12 provision of ~~[medical]~~:

13 (A) Medical, surgical, pharmaceutical, counseling, or  
14 referral services relating to the human  
15 reproductive system, including but not limited to  
16 services relating to pregnancy, contraception, or  
17 the termination of a pregnancy~~]; or~~

18 (B) Gender-affirming health care services, as defined  
19 in section 323J-1,

20 so long as the provision or assistance in receipt or  
21 provision of the services was in accordance with the



1 laws of this State or would have been in accordance  
2 with the laws of this State if it occurred within this  
3 State;

4 (13) Violation of chapter 329, the uniform controlled  
5 substances act, or any rule adopted thereunder except  
6 as provided in section 329-122;

7 (14) Failure to report to the board, in writing, any  
8 disciplinary decision issued against the licensee or  
9 the applicant in another jurisdiction within thirty  
10 days after the disciplinary decision is issued; or

11 (15) Submitting to or filing with the board any notice,  
12 statement, or other document required under this  
13 chapter[~~, which~~] that is false or untrue or contains  
14 any material misstatement or omission of fact.

15 (b) If disciplinary action related to the practice of  
16 medicine has been taken against the applicant by another state  
17 or federal agency, or if the applicant reveals a physical or  
18 mental condition that would constitute a violation under this  
19 section, then the board may impose one or more of the following  
20 requirements as a condition for licensure:



- 1           (1) Physical and mental evaluation of the applicant by a  
2           licensed physician or osteopathic physician approved  
3           by the board;
- 4           (2) Probation, including conditions of probation as  
5           requiring observation of the licensee by an  
6           appropriate group or society of licensed physicians,  
7           osteopathic physicians, or surgeons;
- 8           (3) Limitation of the license by restricting the fields of  
9           practice in which the licensee may engage;
- 10          (4) Further education or training or proof of performance  
11          competency; and
- 12          (5) Limitation of the medical practice of the licensee in  
13          any reasonable manner to assure the safety and welfare  
14          of the consuming public;
- 15 provided that the board shall not impose as a condition for  
16 licensure any of the requirements pursuant to this subsection if  
17 the disciplinary action related to the practice of medicine  
18 taken against the applicant was based on the provision or  
19 assistance in receipt or provision of medical, surgical,  
20 pharmaceutical, counseling, or referral services relating to the  
21 human reproductive system, including but not limited to services



1 relating to pregnancy, contraception, or the termination of a  
2 pregnancy, or the provision or assistance in receipt or  
3 provision of gender-affirming health care services, as defined  
4 in section 323J-1, so long as the provision or assistance in  
5 receipt or provision of the services was in accordance with the  
6 laws of this State or would have been in accordance with the  
7 laws of this State if it occurred within this State.

8 (c) Notwithstanding any other law to the contrary, the  
9 board may deny a license to any applicant who has been  
10 disciplined by another state or federal agency, except on the  
11 basis of discipline for the provision or assistance in receipt  
12 or provision of medical, surgical, pharmaceutical, counseling,  
13 or referral services relating to the human reproductive system,  
14 including but not limited to services relating to pregnancy,  
15 contraception, or the termination of a pregnancy, or the  
16 provision or assistance in receipt or provision of gender-  
17 affirming health care services, as defined in section 323J-1, so  
18 long as the provision or assistance in receipt or provision of  
19 the services was in accordance with the laws of this State or  
20 would have been in accordance with the laws of this State if it



1 occurred within this State. Any final order of discipline taken  
2 pursuant to this subsection shall be a matter of public record."

3 SECTION 6. Section 453-8.6, Hawaii Revised Statutes, is  
4 amended as follows:

5 1. By amending subsection (a) to read:

6 "(a) Upon receipt of evidence of revocation, suspension,  
7 or other disciplinary action against a licensee by another state  
8 or federal agency, the board may issue an order imposing  
9 disciplinary action upon the licensee on the following  
10 conditions:

11 (1) The board shall serve the licensee with a proposed  
12 order imposing disciplinary action as required by  
13 chapter 91;

14 (2) The licensee shall have the right to request a hearing  
15 pursuant to chapter 91 to show cause why the action  
16 described in the proposed order should not be imposed;

17 (3) Any request for a hearing shall be made in writing and  
18 filed with the board within twenty days after mailing  
19 of the proposed order to the licensee; and

20 (4) If the licensee does not submit a written request for  
21 a hearing within twenty days after mailing of the



1           proposed order, the board may issue a final order  
2           imposing the disciplinary action described in the  
3           proposed order;  
4 provided that the board shall not issue an order imposing  
5 disciplinary action upon the licensee if the revocation,  
6 suspension, or other disciplinary action against a licensee by  
7 another state was based on the provision or assistance in  
8 receipt or provision of medical, surgical, pharmaceutical,  
9 counseling, or referral services relating to the human  
10 reproductive system, including but not limited to services  
11 relating to pregnancy, contraception, or the termination of a  
12 pregnancy, or the provision or assistance in receipt or  
13 provision of gender-affirming health care services, as defined  
14 in section 323J-1, so long as the provision or assistance in  
15 receipt or provision of the services was in accordance with the  
16 laws of this State or would have been in accordance with the  
17 laws of this State if it occurred within this State."

18           2. By amending subsection (c) to read:

19           "(c) A licensee against whom the board has issued a  
20 proposed order under this section shall be prohibited from



1 practicing in this State until the board issues a final order  
2 if:

3 (1) The licensee was the subject of disciplinary action by  
4 another state, except where the disciplinary action  
5 against the licensee by another state was based on the  
6 provision or assistance in receipt or provision of  
7 ~~[medical]~~:

8 (A) Medical, surgical, pharmaceutical, counseling, or  
9 referral services relating to the human  
10 reproductive system, including but not limited to  
11 services relating to pregnancy, contraception, or  
12 the termination of a pregnancy~~[r]~~; or

13 (B) Gender-affirming health care services, as defined  
14 in section 323J-1,

15 so long as the provision or assistance in receipt or  
16 provision of the services was in accordance with the  
17 laws of this State or would have been in accordance  
18 with the laws of this State if it occurred within this  
19 State; and

20 (2) The disciplinary action by another state prohibits the  
21 licensee from practicing in that state."



1 SECTION 7. Section 453D-12, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) In addition to any other acts or conditions provided  
4 by law, the director may refuse to renew, reinstate, or restore,  
5 and may deny, revoke, suspend, or condition in any manner, any  
6 license for any one or more of the following acts or conditions  
7 on the part of a licensee or license applicant:

- 8 (1) Failing to meet or maintain the conditions and  
9 requirements necessary to qualify for the granting of  
10 a license;
- 11 (2) Engaging in false, fraudulent, or deceptive  
12 advertising, or making untruthful or improbable  
13 statements;
- 14 (3) Being addicted to, dependent on, or a habitual user of  
15 a narcotic, barbiturate, amphetamine, hallucinogen,  
16 opium, cocaine, or other drugs or derivatives of a  
17 similar nature;
- 18 (4) Practicing the licensed profession while impaired by  
19 alcohol, drugs, physical disability, or mental  
20 instability;



- 1 (5) Procuring a license through fraud, misrepresentation,  
2 or deceit;
- 3 (6) Aiding and abetting an unlicensed person to directly  
4 or indirectly perform activities requiring a license;
- 5 (7) Professional misconduct, incompetence, gross  
6 negligence, or manifest incapacity, in the practice of  
7 the licensed profession;
- 8 (8) Engaging in conduct or practice contrary to recognized  
9 standards of ethics for the licensed profession;
- 10 (9) Violating any condition or limitation upon which a  
11 conditional or temporary license was issued;
- 12 (10) Engaging in business under a past or present license  
13 issued pursuant to the licensing laws, in a manner  
14 causing injury to one or more members of the public;
- 15 (11) Failing to comply with, observe, or adhere to any law  
16 in a manner [~~such~~] that the director deems the  
17 applicant or holder to be an unfit or improper person  
18 to hold a license;
- 19 (12) Having had a license revoked or suspended, or having  
20 been the subject of other disciplinary action, by  
21 another state or a federal agency for any reason



1 provided by the licensing laws or this section[+],  
2 except when the revocation, suspension, or other  
3 disciplinary action was based on the provision or  
4 assistance in receipt or provision of gender-affirming  
5 health care services, as defined in section 323J-1, so  
6 long as the provision or assistance in receipt or  
7 provision of the services was in accordance with the  
8 laws of this State or would have been in accordance  
9 with the laws of this State if it occurred within this  
10 State;

11 (13) Having been convicted of a crime, whether by nolo  
12 contendere or otherwise, directly related to the  
13 qualifications, functions, or duties of the licensed  
14 profession[+], except when the revocation, suspension,  
15 or other disciplinary action was based on the  
16 provision or assistance in receipt or provision of  
17 gender-affirming health care services, as defined in  
18 section 323J-1, so long as the provision or assistance  
19 in receipt or provision of the services was in  
20 accordance with the laws of this State or would have



1           been in accordance with the laws of this State if it  
2           occurred within this State;

3           (14) Failing to report in writing to the director any  
4           disciplinary decision issued against the licensee or  
5           applicant in another jurisdiction within thirty days  
6           of the disciplinary decision;

7           (15) Employing, utilizing, or attempting to employ or  
8           utilize, at any time, any person not licensed under  
9           the licensing laws where licensure is required; or

10          (16) Violating this chapter, chapter 436B, or any rule or  
11          order of the director."

12          SECTION 8. Section 453D-13, Hawaii Revised Statutes, is  
13          amended to read as follows:

14           **"§453D-13 Confidentiality and privileged communications.**

15          No person licensed as a mental health counselor or an associate  
16          mental health counselor, nor any of the person's employees or  
17          associates, shall be required to disclose any information that  
18          the person may have acquired in rendering mental health  
19          counseling services, except in the following circumstances:

20           (1) As required by law;



- 1 (2) To prevent a clear and imminent danger to a person or  
2 persons;
- 3 (3) In accordance with the terms of a previously written  
4 waiver of the privilege where the waiver is executed  
5 by the client or by the client's legally recognized  
6 representative;
- 7 (4) Where more than one person jointly receives counseling  
8 and each person who is legally competent executes a  
9 written waiver. In that instance, information may be  
10 disclosed from any person in accordance with that  
11 person's waiver; or
- 12 (5) In the course of a disciplinary action or pursuant to  
13 a duly authorized subpoena issued by the  
14 department[-], except when the disciplinary action by  
15 another federal or state agency is based on the  
16 provision or assistance in receipt or provision of  
17 gender-affirming health care services, as defined in  
18 section 323J-1, so long as the provision or assistance  
19 in receipt or provision of the services was in  
20 accordance with the laws of this State or would have



1           been in accordance with the laws of this State if it  
2           occurred within this State."

3           SECTION 9. Section 457-12, Hawaii Revised Statutes, is  
4 amended by amending subsections (a) and (b) to read as follows:

5           "(a) In addition to any other actions authorized by law,  
6 the board shall have the power to deny, revoke, limit, or  
7 suspend any license to practice nursing as a registered nurse or  
8 as a licensed practical nurse applied for or issued by the board  
9 in accordance with this chapter, and to fine or to otherwise  
10 discipline a licensee for any cause authorized by law, including  
11 but not limited to the following:

12           (1) Fraud or deceit in procuring or attempting to procure  
13           a license to practice nursing as a registered nurse or  
14           as a licensed practical nurse;

15           (2) Gross immorality;

16           (3) Unfitness or incompetence by reason of negligence,  
17           habits, or other causes;

18           (4) Habitual intemperance, addiction to, or dependency on  
19           alcohol or other habit-forming substances;

20           (5) Mental incompetence;



- 1           (6) Unprofessional conduct as defined by the board in
- 2                   accordance with its own rules;
- 3           (7) Wilful or repeated violation of any of the provisions
- 4                   of this chapter or any rule adopted by the board;
- 5           (8) Revocation, suspension, limitation, or other
- 6                   disciplinary action by another state of a nursing
- 7                   license, except when the revocation, suspension,
- 8                   limitation, or other disciplinary action by another
- 9                   state was based on the provision or assistance in
- 10                  receipt or provision of [~~medical~~]:
- 11                  (A) Medical, surgical, pharmaceutical, counseling, or
- 12                   referral services relating to the human
- 13                   reproductive system, including but not limited to
- 14                   services relating to pregnancy, contraception, or
- 15                   the termination of a pregnancy[~~7~~]; or
- 16                  (B) Gender-affirming health care services, as defined
- 17                   in section 323J-1,
- 18                  so long as the provision or assistance in receipt or
- 19                  provision of the services was in accordance with the
- 20                  laws of this State or would have been in accordance



1 with the laws of this State if it occurred within this  
2 State;

3 (9) Conviction, whether by nolo contendere or otherwise,  
4 of a penal offense substantially related to the  
5 qualifications, functions, or duties of a nurse,  
6 notwithstanding any statutory provision to the  
7 contrary, except when the conviction was based on the  
8 provision or assistance in receipt or provision of  
9 ~~[medical,]~~:

10 (A) Medical, surgical, pharmaceutical, counseling, or  
11 referral services relating to the human  
12 reproductive system, including but not limited to  
13 services relating to pregnancy, contraception, or  
14 the termination of a pregnancy~~[,]~~; or

15 (B) Gender-affirming health care services, as defined  
16 in section 323J-1,

17 so long as the provision or assistance in receipt or  
18 provision of the services was in accordance with the  
19 laws of this State or would have been in accordance  
20 with the laws of this State if it occurred within this  
21 State;



- 1 (10) Failure to report to the board any disciplinary action  
2 taken against the licensee in another jurisdiction  
3 within thirty days after the disciplinary action  
4 becomes final;
- 5 (11) Submitting to or filing with the board any notice,  
6 statement, or other document required under this  
7 chapter[~~, which~~] that is false or untrue or contains  
8 any material misstatement of fact, including a false  
9 attestation of compliance with continuing competency  
10 requirements; or
- 11 (12) Violation of the conditions or limitations upon which  
12 any license is issued.
- 13 (b) Notwithstanding any other law to the contrary, the  
14 board may deny a license to any applicant who has been  
15 disciplined by another state, except on the basis of discipline  
16 by another state for the provision or assistance in receipt or  
17 provision of [~~medical,~~]:
- 18 (1) Medical, surgical, pharmaceutical, counseling, or  
19 referral services relating to the human reproductive  
20 system, including but not limited to services relating



1 to pregnancy, contraception, or the termination of a  
2 pregnancy[~~r~~]; or

3 (2) Gender-affirming health care services, as defined in  
4 section 323J-1,

5 so long as the provision or assistance in receipt or provision  
6 of the services was in accordance with the laws of this State or  
7 would have been in accordance with the laws of this State if it  
8 occurred within this State. Any final order entered pursuant to  
9 this subsection shall be a matter of public record."

10 SECTION 10. Section 457-12.5, Hawaii Revised Statutes, is  
11 amended as follows:

12 1. By amending subsection (a) to read:

13 "(a) Upon receipt of evidence of revocation, suspension,  
14 or other disciplinary action against a licensee in another  
15 state, the board may issue an order imposing disciplinary action  
16 upon the licensee on the following conditions:

17 (1) The board shall serve the licensee with a proposed  
18 order imposing disciplinary action as required by  
19 chapter 91;



- 1 (2) The licensee shall have the right to request a hearing  
2 pursuant to chapter 91 to show cause why the action  
3 described in the proposed order should not be imposed;
- 4 (3) Any request for a hearing shall be made in writing and  
5 filed with the board within twenty days after mailing  
6 of the proposed order to the licensee; and
- 7 (4) If the licensee does not submit a written request for  
8 a hearing within twenty days after mailing of the  
9 proposed order, the board shall issue a final order  
10 imposing the disciplinary action described in the  
11 proposed order;
- 12 provided that the board shall not issue an order imposing  
13 disciplinary action upon the licensee if the revocation,  
14 suspension, or other disciplinary action against a licensee by  
15 another state was based on the provision or assistance in  
16 receipt or provision of medical, surgical, pharmaceutical,  
17 counseling, or referral services relating to the human  
18 reproductive system, including but not limited to services  
19 relating to pregnancy, contraception, or the termination of a  
20 pregnancy, or the provision or assistance in receipt or  
21 provision of gender-affirming health care services, as defined



1 in section 323J-1, so long as the provision or assistance in  
2 receipt or provision of the services was in accordance with the  
3 laws of this State or would have been in accordance with the  
4 laws of this State if it occurred within this State."

5 2. By amending subsection (c) to read:

6 "(c) A licensee against whom the board has issued a  
7 proposed order under this section shall be prohibited from  
8 practicing in this State until the board issues a final order  
9 if:

10 (1) The licensee was the subject of disciplinary action by  
11 another state, except where the disciplinary action  
12 against the licensee by another state was based on the  
13 provision or assistance in receipt or provision of  
14 [medical]:

15 (A) Medical, surgical, pharmaceutical, counseling, or  
16 referral services relating to the human  
17 reproductive system, including but not limited to  
18 services relating to pregnancy, contraception, or  
19 the termination of a pregnancy~~[r]~~; or

20 (B) Gender-affirming health care services, as defined  
21 in section 323J-1,



1           so long as the provision or assistance in receipt or  
2           provision of the services was in accordance with the  
3           laws of this State or would have been in accordance  
4           with the laws of this State if it occurred within this  
5           State; and

6           (2) The disciplinary action in the other state prohibits  
7           the licensee from practicing in that state."

8           SECTION 11. Section 461-21.5, Hawaii Revised Statutes, is  
9           amended as follows:

10          1. By amending subsection (a) to read:

11          "(a) Upon receipt of evidence of revocation, suspension,  
12          or other disciplinary action against a licensee by another state  
13          or federal agency, the board may issue an order imposing  
14          disciplinary action upon the licensee on the following  
15          conditions:

16          (1) The board shall serve the licensee with a proposed  
17          order imposing disciplinary action as required by  
18          chapter 91;

19          (2) The licensee shall have the right to request a hearing  
20          pursuant to chapter 91 to show cause why the action  
21          described in the proposed order should not be imposed;



1           (3) Any request for a hearing shall be made in writing and  
2           filed with the board within twenty days after mailing  
3           of the proposed order to the licensee; and  
4           (4) If the licensee does not submit a written request for  
5           a hearing within twenty days after mailing of the  
6           proposed order, the board shall issue a final order  
7           imposing the disciplinary action described in the  
8           proposed order;  
9           provided that the board shall not issue an order imposing  
10          disciplinary action upon the licensee if the revocation,  
11          suspension, or other disciplinary action against a licensee by  
12          another state was based on the provision or assistance in  
13          receipt or provision of medical, surgical, pharmaceutical,  
14          counseling, or referral services relating to the human  
15          reproductive system, including but not limited to services  
16          relating to pregnancy, contraception, or the termination of a  
17          pregnancy, or the provision or assistance in receipt or  
18          provision of gender-affirming health care services, as defined  
19          in section 323J-1, so long as the provision or assistance in  
20          receipt or provision of the services was in accordance with the



1 laws of this State or would have been in accordance with the  
2 laws of this State if it occurred within this State."

3 2. By amending subsection (c) to read:

4 "(c) A licensee against whom the board has issued a  
5 proposed order under this section shall be prohibited from  
6 practicing in this State until the board issues a final order  
7 if:

8 (1) The licensee was the subject of disciplinary action by  
9 another state, except where the disciplinary action  
10 against the licensee by another state was based on the  
11 provision or assistance in receipt or provision of  
12 [medical]:

13 (A) Medical, surgical, pharmaceutical, counseling, or  
14 referral services relating to the human  
15 reproductive system, including but not limited to  
16 services relating to pregnancy, contraception, or  
17 the termination of a pregnancy]; or

18 (B) Gender-affirming health care services, as defined  
19 in section 323J-1,

20 so long as the provision or assistance in receipt or  
21 provision of the services was in accordance with the



1 laws of this State or would have been in accordance  
2 with the laws of this State if it occurred within this  
3 State; and

4 (2) The disciplinary action by another state prohibits the  
5 licensee from practicing in that state."

6 SECTION 12. Section 465-13, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) to read as follows:

8 "(a) In addition to any other actions authorized by law,  
9 the board shall refuse to grant a license to any applicant and  
10 may revoke or suspend any license, or may place a license or  
11 [~~may~~] put a license holder on conditional probation, for any  
12 cause authorized by law, including but not limited to the  
13 following:

14 (1) Professional misconduct, gross carelessness, manifest  
15 incapacity, or incompetency in the practice of  
16 psychology;

17 (2) Violation of this chapter by the applicant within one  
18 year of the application, or violation of this chapter  
19 by a license holder any time the license is valid;

20 (3) Any unethical practice of psychology as defined by the  
21 board in accordance with its own rules;



- 1 (4) Fraud or deception in applying for or procuring a  
2 license to practice psychology as defined in section  
3 465-1;
- 4 (5) Conviction of a crime substantially related to the  
5 qualifications, functions, or duties of  
6 psychologists[+], except when the conviction was based  
7 on the provision or assistance in receipt or provision  
8 of gender-affirming health care services, as defined  
9 in section 323J-1, so long as the provision or  
10 assistance in receipt or provision of the services was  
11 in accordance with the laws of this State or would  
12 have been in accordance with the laws of this State if  
13 it occurred within this State;
- 14 (6) Wilful unauthorized communication of information  
15 received in professional confidence;
- 16 (7) The suspension, revocation, or imposition of  
17 probationary conditions by another state of a license  
18 or certificate to practice psychology issued by that  
19 state if the act for which the disciplinary action was  
20 taken constitutes a violation of this chapter;



- 1           (8) The commission of any dishonest, corrupt, or  
2           fraudulent act or any act of sexual abuse, or sexual  
3           relations with a client, or sexual misconduct that is  
4           substantially related to the qualifications,  
5           functions, or duties of a psychologist;
- 6           (9) Harassment, intimidation, or abuse, sexual or  
7           otherwise, of a client or patient;
- 8           (10) Exercising undue influence in the manner as to exploit  
9           the client, patient, student, or supervisee for  
10          financial or other personal advantage to the  
11          practitioner or a third party;
- 12          (11) Conviction of fraud in filing medicaid claims or  
13          conviction of fraud in filing claims to any third  
14          party payor, for which a copy of the record of  
15          conviction, certified by the clerk of the court  
16          entering the conviction, shall be conclusive evidence;
- 17          (12) Aiding or abetting any unlicensed person to engage in  
18          the practice of psychology;
- 19          (13) Repeated acts of excessive treatment or use of  
20          diagnostic procedures as determined by the standard of  
21          the local community of licensees;



- 1           (14) Inability to practice psychology with reasonable skill  
2                   and safety to patients or clients by reason of  
3                   illness, inebriation, or excessive use of any  
4                   substance, or as a result of any mental or physical  
5                   condition;
- 6           (15) Conviction of any crime or offense that reflects the  
7                   inability of the practitioner to practice psychology  
8                   with due regard for the health and safety of clients  
9                   or patients;
- 10          (16) Use of untruthful or deceptive or improbable  
11                   statements concerning the licensee's qualifications or  
12                   the effects or results of proposed treatment;
- 13          (17) Functioning outside of the licensee's professional  
14                   competence established by education, training, and  
15                   experience;
- 16          (18) Refusal to comply with any written order of the board;
- 17          (19) Making any fraudulent or untrue statement to the  
18                   board, including a false certification of compliance  
19                   with the continuing education requirement of section  
20                   465-11; or
- 21          (20) Violation of a board rule."



1 SECTION 13. Section 636C-9, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[~~§~~636C-9~~§~~] Enforcement of foreign penal civil actions  
4 relating to protected reproductive health care services~~[-]~~ or  
5 protected gender-affirming health care services. (a) No  
6 judgment or other order arising from a foreign penal civil  
7 action or other penal law banning, restricting, burdening,  
8 punishing, penalizing, or otherwise interfering with the  
9 provision of protected reproductive health care services or  
10 protected gender-affirming health care services shall be  
11 enforced in this State.

12 (b) As used in this section:

13 "Foreign penal civil action" means an action authorized by  
14 the law of a state, or of any municipality or other governmental  
15 entity within a state, other than this State, the essential  
16 character and effect of which is to punish an offense against  
17 the public justice of that state, municipality, or other  
18 governmental entity.

19 "Gender-affirming health care services" has the same  
20 meaning as in section 323J-1.



1        "Protected gender-affirming health care services" means  
 2 gender-affirming health care services that are protected under  
 3 the Hawaii State Constitution or are otherwise lawful under the  
 4 laws of this State or that would be constitutionally protected  
 5 or otherwise lawful if performed within this State.

6        "Protected reproductive health care services" means  
 7 medical, surgical, pharmaceutical, counseling, or referral  
 8 services relating to the human reproductive system, including  
 9 but not limited to services relating to pregnancy,  
 10 contraception, or termination of a pregnancy, that are protected  
 11 under the Hawaii State Constitution or otherwise lawful under  
 12 the laws of this State or that would be constitutionally  
 13 protected or otherwise lawful if performed within this State."

14        SECTION 14. Section 836-2, Hawaii Revised Statutes, is  
 15 amended to read as follows:

16        **"§836-2 Summoning witness in this State to testify in**  
 17 **another state.** (a) If a judge of a court of record in any  
 18 state ~~[which]~~ that by its laws has made provision for commanding  
 19 persons within that state to attend and testify in this State  
 20 certifies under the seal of that court that there is a criminal  
 21 prosecution pending in that court, or that a grand jury



1 investigation has commenced or is about to commence, that a  
2 person in this State is a material witness in the prosecution or  
3 grand jury investigation, and that the person's presence will be  
4 required for a specified number of days, upon presentation of  
5 the certificate to any judge of a court of record in this State  
6 in the judicial district in which the person is, the judge shall  
7 fix a time and place for a hearing, and shall make an order  
8 directing the witness to appear at a time and place certain for  
9 the hearing.

10 (b) If at a hearing the judge determines that the witness  
11 is material and necessary, that it will not cause undue hardship  
12 to the witness to be compelled to attend and testify in the  
13 prosecution or a grand jury investigation in the other state,  
14 and that the laws of the state in which the prosecution is  
15 pending, or grand jury investigation has commenced or is about  
16 to commence, and of any other state through which the witness  
17 may be required to pass by ordinary course of travel, will give  
18 to the witness protection from arrest and the service of civil  
19 and criminal process, the judge shall issue a summons, with a  
20 copy of the certificate attached, directing the witness to  
21 attend and testify in the court where the prosecution is



1 pending, or where a grand jury investigation has commenced or is  
2 about to commence at a time and place specified in the summons[~~r~~  
3 ~~except~~]; provided that no judge shall issue a summons in a case  
4 where prosecution is pending, or where a grand jury  
5 investigation has commenced or is about to commence for a  
6 criminal violation of a law of another state involving [~~the~~  
7 ~~provision,~~]:

- 8       (1) Seeking, receiving, paying for, [receipt of, or  
9            assistance with] or inquiring about reproductive  
10           health care services [as defined in section 323J-1] or  
11            gender-affirming health care services;
- 12       (2) Providing or responding to an inquiry about  
13            reproductive health care services or gender-affirming  
14            health care services;
- 15       (3) Assisting or aiding or abetting in any of the conduct  
16            described in paragraph (1) or (2); or
- 17       (4) Attempting or intending to engage in or providing  
18            material support for (or any other theory of  
19            vicarious, attempt, joint, several, or conspiracy  
20            liability derived therefrom) conduct described in  
21            paragraphs (1) to (3),



1 unless the acts forming the basis of the prosecution or  
2 investigation would also constitute an offense in this State.  
3 In any hearing, the certificate shall be prima facie evidence of  
4 all the facts stated therein.

5 (c) If the certificate recommends that the witness be  
6 taken into immediate custody and delivered to an officer of the  
7 requesting state to assure the witness' attendance in the  
8 requesting state, the judge may, in lieu of notification of the  
9 hearing, direct that the witness be forthwith brought before the  
10 judge for the hearing; and the judge at the hearing being  
11 satisfied of the desirability of the custody and delivery, for  
12 which determination the certificate shall be prima facie proof  
13 of the desirability may, in lieu of issuing subpoena or summons,  
14 order that the witness be forthwith taken into custody and  
15 delivered to an officer of the requesting state.

16 (d) If the witness, who is summoned pursuant to this  
17 section, after being paid or tendered by some properly  
18 authorized person a sum equivalent to the cost of round-trip air  
19 fare to the place where the prosecution is pending and \$30 for  
20 each day, that the witness is required to travel and attend as a  
21 witness, fails without good cause to attend and testify as



1 directed in the summons, the witness shall be punished in the  
2 manner provided for the punishment of any witness who disobeys a  
3 summons issued from a court of record in this State.

4 (e) As used in this section:

5 "Gender-affirming health care services" has the same  
6 meaning as in section 323J-1.

7 "Reproductive health care services" has the same meaning as  
8 in section 323J-1."

9 SECTION 15. If any provision of this Act, or the  
10 application thereof to any person or circumstance, is held  
11 invalid, the invalidity does not affect other provisions or  
12 applications of the Act that can be given effect without the  
13 invalid provision or application, and to this end the provisions  
14 of this Act are severable.

15 SECTION 16. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 17. This Act shall take effect on July 1, 3000.



**Report Title:**

Gender-Affirming Health Care Services; Reproductive Health Care Services; Protections; Abusive Litigation; Medical Malpractice Insurance; Health Carriers; Protected Health Information; Covered Entities

**Description:**

Expands the protections established under Act 2, SLH 2023, to include gender-affirming health care services, including clarifying permitted disclosures of protected health information to address changes in federal regulations. Establishes protections against abusive litigation. Prohibits 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 care services. Effective 7/1/3000. (HD1)

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

