

Honolulu, Hawaii

, 2026

**FEB 18**

RE: H.B. No. 1875

H.D. 1

Honorable Nadine K. Nakamura  
Speaker, House of Representatives  
Thirty-Third State Legislature  
Regular Session of 2026  
State of Hawaii

Madame:

Your Committees on Health and Consumer Protection & Commerce,  
to which was referred H.B. No. 1875 entitled:

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

beg leave to report as follows:

The purpose of this measure is to:

- (1) Expand protections for reproductive health care services established by Act 2, Session Laws of Hawaii 2023, to include gender-affirming health care services and clarify 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 or gender-affirming health care services.

Your Committees received testimony in support of this measure from the Hawai'i State Lesbian, Gay, Bisexual, Transgender, Queer Plus Commission; Hawaii State Commission on the Status of Women; one member of the Hawai'i County Council; HOKU PAC; Hawai'i State



Youth Commission; Pride at Work - Hawai'i; Hawai'i Public Health Institute; Imua Alliance; Stonewall Caucus of the Democratic Party of Hawai'i; PFLAG O'ahu; Hawaii Medical Association; Democratic Party of Hawai'i; American Civil Liberties Union of Hawai'i; Drug Policy Forum of Hawai'i; Kumukahi Health + Wellness; Pilina Center for Wellbeing; Healthcare Association of Hawaii; KUPA'A Project; Hawai'i County Democratic Party; Hawai'i State Democratic Women's Caucus; AAUW of Hawai'i; Hawai'i Association of Professional Nurses; AlohaCare; Hawai'i Nurse's Association, OPEIU Local 50; Rainbow Family 808; American College of Obstetricians and Gynecologists, Hawai'i Section; Indivisible Hawaii Statewide Network; Visibility Brigade Honolulu; Kua'ana Project; Indivisible Leeward Oahu; Kulia Na Mamo; Planned Parenthood Alliance Advocates - Hawai'i; Lambda Law Hawai'i; Evolve Health, LLC; and numerous individuals. Your Committees received testimony in opposition to this measure from the Hawaii Family Forum and numerous individuals. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs and Office of Information Practices.

Your Committees find that access to gender-affirming health care is essential to the health, safety, and well-being of transgender, nonbinary, and gender-diverse individuals and is recognized by major medical associations as evidence-based and medically necessary. Studies have shown that access to timely and appropriate gender-affirming care is directly linked to improved mental health outcomes and reduced rates of depression and suicidality for transgender, nonbinary, and gender-diverse individuals. Your Committees further find that in recent years several states have introduced or passed legislation that seeks to criminalize or impose civil liability on individuals and providers who seek or offer gender-affirming care. These efforts include attempts to obtain protected health information for out-of-state investigations, pursuing civil and criminal actions against out-of-state providers for providing care that is lawful in their state, and attempts to intimidate or deter providers from providing reproductive and gender-affirming health care through abusive use of disciplinary actions. Your Committees believe that these laws and actions are contrary to the public policy of this State and should not be enforceable in any Hawaii court or serve as the basis for granting any legal or equitable relief in any Hawaii court.



Your Committees also find that Act 2, Session Laws of Hawaii 2023, (Act 2) enacted critical protections for individuals seeking or providing reproductive health care services within the State. Your Committees believe that expanding the protections enshrined in Act 2 to providers who provide gender-affirming health care is necessary to affirm Hawaii's commitment to personal liberty and protect Hawaii residents, visitors, and health care providers from extraterritorial attempts to regulate or punish conduct that is expressly legal in this State.

Your Committees have amended this measure by:

- (1) Clarifying that malpractice insurers shall not impose any sanctions, fines, penalties, or rate increases that are not based on actuarially sound principles solely because an applicant or named insured provided or assisted in the provision of reproductive or gender-affirming health care services;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Health and Consumer Protection & Commerce that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1875, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1875, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committees on Health and  
Consumer Protection & Commerce,



SCOT Z. MATAYOSHI, Chair



GREG TAKAYAMA, Chair





