

Honolulu, Hawaii

**MAR 06**, 2026

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

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

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1875, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose 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 care services.

Your Committee received testimony in support of this measure from the State Health Planning and Development Agency; Hawai'i Civil Rights Commission; Hawai'i State Youth Commission; Hawaii State Commission on the Status of Women; Hawai'i State LGBTQ+



Commission; one member of the Hawai'i County Council; Hawai'i Public Health Institute; Democratic Party of Hawai'i; Stonewall Caucus of the Democratic Party of Hawai'i; AAUW of Hawai'i; HOKU PAC; Pride at Work - Hawai'i; Rainbow Family 808; American Civil Liberties Union of Hawai'i; Indivisible Hawaii Healthcare Team; Hawaii Medical Association; Green Party of Hawai'i; Hawai'i Organization for Progress and Equity; PFLAG O'ahu; Kumukahi Health + Wellness; Visibility Brigade Honolulu; District 4 of the Hawaii Democratic Party; Indivisible Leeward Oahu; American Academy of Pediatrics, Hawai'i Chapter; Hawai'i Health & Harm Reduction Center; Hawai'i Women's Lawyers; Planned Parenthood Alliance Advocates - Hawai'i; Maui Indivisible; Healthcare Association of Hawaii; American College of Obstetricians and Gynecologists, Hawai'i Section; Hawaii State AFL-CIO; UNITE HERE Local 5; AlohaCare; Drug Policy Forum of Hawai'i; Evolve Health, LLC; Utopia Hawaii; Frost Family Foundation; Essential Access Health; Hawai'i County Democratic Party; Lamda Law Hawai'i; Indivisible Oahu; and numerous individuals. Your Committee received testimony in opposition to this measure from the Hawaii Family Forum and numerous individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs; Office of Information Practices; and Hawaii Medical Service Association.

Your Committee finds that efforts by other jurisdictions to investigate, penalize, or compel participation in extraterritorial proceedings related to the lawful provision of reproductive and gender-affirming health care services in the State raise serious concerns regarding due process, judicial comity, and the improper extraterritorial application of law. Your Committee further finds that the misuse of subpoenas, civil actions, and disclosure demands may undermine confidentiality protections, burden state courts, and chill the exercise of lawful rights and professional judgment. Clarifying the circumstances under which the courts, state agencies, and covered entities may decline to cooperate with extraterritorial proceedings against health care providers providing, and patients seeking, lawful health care services, and providing remedies to deter abusive litigation, is necessary to preserve judicial resources, protect patient privacy, and ensure that Hawaii law is applied consistently within this State.

Your Committee notes that the term "abusive litigation" is not intended to include potential insurance disputes over coverage



status, medical necessity, fraud, waste and abuse, or the recovery of overpayments. Your Committee further notes that this measure does not expand required health care coverage of any treatments or services or create any new mandates for health insurance coverage in Hawaii.

Your Committee has amended this measure by:

- (1) Inserting a preamble;
- (2) Clarifying that any sanction, fine, penalty, or rate increase imposed by a malpractice insurer must be based on actuarial analysis conducted in accordance with the applicable Actuarial Standards of Practice promulgated by the Actuarial Standards Board;
- (3) Amending the definition of "gender-affirming health care services"; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1875, H.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.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



