

Honolulu, Hawaii

MAR 30 2026

RE: H.B. No. 1875
H.D. 2
S.D. 1

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

Sir:

Your Committees on Health and Human Services and Commerce and Consumer Protection, to which was referred H.B. No. 1875, H.D. 2, entitled:

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

beg 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 Committees received testimony in support of this measure from the State Health Planning and Development Agency; Hawai'i State Youth Commission; Hawai'i State Lesbian, Gay, Bisexual,



Transgender, Queer Plus Commission; Hawaii State Commission on the Status of Women; Hawai'i Public Health Institute; Stonewall Caucus of the Democratic Party of Hawai'i; H.O.K.U Political Action Committee; AAUW of Hawai'i; Pride at Work-Hawai'i; ACLU of Hawai'i; Planned Parenthood Alliance Advocates-Hawai'i; Essential Access Health; PFLAG O'ahu; Healthcare Association of Hawaii; Hawai'i Organization for Progress and Equity; Hawaii Medical Association; Hawaii State AFL-CIO; American Academy of Pediatrics, Hawaii Chapter; Hawaii Women's Coalition; The American College of Obstetricians and Gynecologists, Hawai'i Section; Hawaii Health & Harm Reduction Center; Aloha Independent Living Hawaii; AlohaCare; Na Pua Ilima; Drug Policy Forum of Hawai'i; Rainbow Family 808; and more than one hundred nine individuals.

Your Committees received testimony in opposition to this measure from the Libertarian Party of Hawaii, Leeward Republican Women's Club, Hawaii Family Forum, Hawai'i Christian Coalition, and twenty-nine individuals.

Your Committees received comments on this measure from the Office of Information Practices, Hawaii Medical Service Association, and two individuals.

Your Committees find that the people of Hawaii have a long tradition of protecting an individual's right to privacy and bodily autonomy independently of, and more broadly than, the United States Constitution. In 2023, the legislature took an affirmative step to implement the right to privacy by passing Act 2, Session Laws of Hawaii 2023 (Act 2), which protects an individual's right to privacy and bodily autonomy within the boundaries of the State, including the right of minors. Act 2 declares that the laws of other states, authorizing civil actions and criminal prosecutions for receiving, seeking, providing, or aiding and abetting the provision of reproductive health care services, are contrary to the State's public policy and prohibits recognition and enforcement of other states' laws to the extent they impose civil or criminal liability relating to reproductive health care services. Your Committees further find that since the passage of Act 2, some states have pursued laws and policies purporting to impose civil or criminal liability, professional disciplinary actions, or otherwise allow for the initiation of abusive litigation in connection with the provision or receipt of, or assistance with, gender-affirming health care services outside



of those states' borders. This measure strengthens protections against out-of-state investigations and proceedings relating to lawful reproductive and gender-affirming health care services while preserving access to lawful care in the State.

Your Committees have amended this measure by:

- (1) Amending the definition of "gender-affirming health care services" to mean a service or product that is consistent with the standard of care to support and affirm an individual's actual gender identity as defined in section 432:1-607.3, Hawaii Revised Statutes, including but not limited to all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature, including medication; and to include treatment for gender dysphoria and gender incongruence and services provided for two spirit, mahu, transgender, nonbinary, intersex, and other gender diverse individuals;
- (2) Making it effective upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Health and Human Services and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1875, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1875, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

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



JARRETT KEOHOKALOOLE, Chair




JOY A. SAN BUENAVENTURA, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1875	HD2 HHS/CPN, JDC	03/24/2026		
<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
KEOHOKALOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
LAMOSAO, Rachele	✓			
MCKELVEY, Angus L.K.	✓			
AWA, Brenton			✓	
TOTAL	4		1	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Committee Drafting Agency				

*Only one measure per Record of Votes