



March 29, 2026

**Position:** **SUPPORT** of **SCR7/SR7**, AFFIRMING AND SUPPORTING THE REQUIREMENT THAT HOSPITALS PROVIDE LIFE-SAVING EMERGENCY CARE TO PREGNANT PEOPLE, INCLUDING REPRODUCTIVE AND ABORTION SERVICES, WHEN SUCH CARE IS MEDICALLY NECESSARY TO STABILIZE A PATIENT UNDER THE EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT.

**To:** Senator Joy A. San Buenaventura, Chair  
Senator Angus L.K. McKelvey, Vice Chair  
Members of the Senate Committee on Health and Human Services

**From:** Llasmin Chaine, LSW, Executive Director, Hawaii State Commission on the Status of Women

**Re:** Testimony in SUPPORT of SCR7/SR7, AFFIRMING AND SUPPORTING THE REQUIREMENT THAT HOSPITALS PROVIDE LIFE-SAVING EMERGENCY CARE TO PREGNANT PEOPLE, INCLUDING REPRODUCTIVE AND ABORTION SERVICES, WHEN SUCH CARE IS MEDICALLY NECESSARY TO STABILIZE A PATIENT UNDER THE EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT.

Hearing: Monday, March 30, 2026, 1:07 p.m.  
Conference Room 225, State Capitol

On behalf of the Hawaii State Commission on the Status of Women, I would like to thank the Committee for hearing this important measure. The Commission **supports SCR7/SR7** as it directly advances the Commission's mission to promote equality, economic security, health, and safety for women and girls in Hawaii. In light of shifting federal policy and guidance regarding the Emergency Medical Treatment and Active Labor Act (EMTALA), SCR7/SR7 **provides guidance to Hawaii's hospitals and affirms existing legal protections for those seeking and providing emergency care**, including reproductive and abortion services, which are central to equity, inclusion, bodily autonomy and the well-being of women and girls across the state.

Delaying or denying emergency care is harmful and illegal. [When pregnant people are denied care, they are more likely to experience increased maternal health complications and long-term negative health effects.](#) This is especially true for marginalized communities who experience intersecting levels of oppression in health systems. By reinforcing the obligation of hospitals to provide these services, the resolution supports protections against discrimination and upholds the fundamental right to health care.

We respectfully urge this Committee to **pass SCR7/SR7** in support of individuals seeking health care, advancing health equity and strengthening our community's safety and well-being.

Thank you for this opportunity to submit testimony.



## HIPHI Board

May Okihiro, MD, MS  
Chair

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Department of Pediatrics*

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Vice Chair

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*JLI Consulting*

Misty Pacheco, DrPH  
*University of Hawai'i at Hilo*

Dina Shek, JD  
*Medical-Legal Partnership  
For Children in Hawai'i*

JoAnn Tsark, MPH  
*John A. Burns School of Medicine, Native  
Hawaiian Research Office*

Danette Wong Tomiyasu, MBA  
*Retired, Hawai'i State Department of  
Health*

## HIPHI Initiatives

Coalition for a  
Tobacco-Free Hawai'i

Community-Based Research &  
Evaluation

Community Health  
Worker Initiatives

COVID-19 Response

Environmental Health

Hawai'i Drug & Alcohol-Free Coalitions

Hawai'i Farm to School Network

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Collective/Healthy Aging &  
Community Living

Public Health Workforce Development

Date: March 28, 2026

To: Senator Joy A. San Buenaventura, Chair  
Senator Angus L.K. McKelvey, Vice Chair  
Members of the Senate Committee on Health & Human Services

Re: Support for SCR 7/SR 7, Affirming And Supporting The Requirement That Hospitals Provide Life-saving Emergency Care To Pregnant People, Including Reproductive And Abortion Services, When Such Care Is Medically Necessary To Stabilize A Patient Under The Emergency Medical Treatment And Active Labor Act

Hrg: March 30, 2026, 1:07 PM, Conference Room 225

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Hawai'i Public Health Institute (HIPHI)<sup>1</sup> is in **support of SCR 7/SR 7**, affirming and supporting the requirement that hospitals provide life-saving emergency care to pregnant people, including reproductive and abortion services, when such care is medically necessary to stabilize a patient under the Emergency Medical Treatment and Active Labor Act.

### Longstanding Federal Law

The Emergency Medical Treatment and Active Labor Act (EMTALA), enacted by Congress in 1986, requires hospitals that participate in Medicare and operate emergency departments to provide a medical screening examination and stabilizing treatment to any patient who presents with an emergency medical condition, regardless of their ability to pay. EMTALA applies to all emergency medical conditions, including pregnancy-related emergencies.<sup>2</sup>

Importantly, EMTALA requires hospitals to provide stabilizing treatment using the standard of care and defers to physicians' clinical judgment in determining what treatment is necessary to stabilize a patient. In some emergency situations involving pregnancy complications—such as ectopic pregnancy, severe infection, hemorrhage, or preeclampsia—terminating a pregnancy may be the only medically appropriate treatment to stabilize the patient and prevent serious harm or death.<sup>3</sup>

### Addressing Legal Confusion

Medical research has documented that conflicts between state abortion laws and EMTALA obligations have created confusion and delays in care for obstetric

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<sup>1</sup> Hawai'i Public Health Institute's mission is to advance health and wellness for the people and islands of Hawai'i. We do this through expanding our understanding of what creates health of people and place, fostering partnerships, and cultivating programs to improve policies, systems, and the environments where people live, learn, work, age, and play.

<sup>2</sup> [Emergency Medical Treatment & Labor Act \(EMTALA\)](#), Centers for Medicare & Medicaid Services.

<sup>3</sup> ["When Pregnancy Emergencies Collide With State Abortion Bans"](#), Genevieve Rajewski, Tufts Now, December, 2025.



emergencies, which can place patients at significant risk. A 2025 study examining EMTALA and obstetric emergencies found that state abortion laws may undermine federally protected emergency care and create uncertainty for clinicians attempting to comply with EMTALA's stabilization requirements.<sup>4</sup>

As a federal law, EMTALA can preempt conflicting state laws when emergency medical care is required to stabilize a patient. Courts and legal scholars have recognized that EMTALA's core purpose is to ensure access to emergency medical treatment and prevent hospitals from denying necessary emergency care, including life-preserving abortion care in emergency situations.<sup>5</sup>

Recent litigation across the United States demonstrates the ongoing legal conflict between state abortion bans and EMTALA's emergency care requirements. Courts and federal agencies have repeatedly examined whether state abortion bans can restrict emergency care required under EMTALA, highlighting the continuing legal uncertainty and the importance of reaffirming the requirement that hospitals provide necessary emergency care to stabilize patients.<sup>6</sup>

### **Preserving Emergency Care**

From a public health perspective, delays in emergency obstetric care can lead to severe health consequences, including infection, hemorrhage, organ damage, infertility, and death. Federal reports and medical guidance emphasize that in emergency situations, failure to provide stabilizing care, or delays caused by legal uncertainty, can result in irreversible harm to patients.<sup>7</sup>

This resolution makes an important statement that Hawai'i supports evidence-based medicine, physician clinical judgment, and compliance with federal emergency care law. It affirms that hospitals must be able to provide medically necessary care without delay when a patient's health or life is at risk. Ensuring access to emergency care protects patients, supports physicians in providing appropriate medical treatment, and ensures that Hawai'i hospitals remain compliant with federal law.

Accordingly, we respectfully urge the legislature to adopt this resolution.

Mahalo,

A handwritten signature in black ink that reads 'Kris Coffield'.

Kris Coffield  
Policy and Advocacy Associate

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<sup>4</sup> ["Obstetric-Related Emergency Medical Treatment and Labor Act Violations and No Health Exception Bans"](#), Liana R Woskie et al, Journal of the American Medical Association Health Forum, 2025.

<sup>5</sup> ["Pregnancy Complications After Dobbs: The Role of EMTALA"](#), Kimberly Chernoby et al, Western Journal of Emergency Medicine: Integrating Emergency Care with Population Health, 2024.

<sup>6</sup> ["Legality of abortion in emergency medical circumstances continues to evolve"](#), Rachel L. Zacharias et al, Reuters, May 13 2025.

<sup>7</sup> ["Practicing Amid "a Minefield": Emergency Reproductive Health Care Post-Dobbs"](#), United States Senate Finance Committee Staff Report, December 2024.



To: Hawaii State Senate Committee on Health and Human Services

RE: Testimony in STRONG SUPPORT of SCR7/SR7

Dear Chair San Buenaventura, Vice Chair McKelvey, and members of the Committee,

The members of AAUW of Hawai'i thank you for this opportunity to testify in support of this resolution.

We strongly support SCR7/SR7 affirming and supporting the requirement that hospitals provide life-saving emergency care to pregnant people, including reproductive and abortion services. This resolution ensures the federal Emergency Medical Treatment and Labor Act protections stay in place to protect pregnant people in Hawai'i, no matter what happens at the federal level. Pregnant people need to know that the medical providers will respond to their needs in emergency situations.

Please pass this resolution. Thank you.

Sincerely,  
Younghee Overly  
AAUW of Hawai'i Public Policy Committee

*The American Association of University Women (AAUW) of Hawai'i is an all-volunteer, statewide chapter of a national organization with close to 4000 members and supporters across all four counties - Hawai'i, Honolulu, Kaula'i, and Maui. AAUW has state chapters in all 50 states and our mission is to advance gender equity through education and advocacy. Economic security for women is our goal.*



March 29, 2026

Senator Joy San Buenaventura, Chair  
Senator Angus McKelvey, Vice Chair  
Committee on Health and Human Services

**Re: SCR 6 / SR 7: AFFIRMING AND SUPPORTING THE REQUIREMENT THAT HOSPITALS PROVIDE LIFE-SAVING EMERGENCY CARE TO PREGNANT PEOPLE, INCLUDING REPRODUCTIVE AND ABORTION SERVICES, WHEN SUCH CARE IS MEDICALLY NECESSARY TO STABILIZE A PATIENT UNDER THE EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT**

**Hearing: Monday, March 30, 2026, 1:07 PM, Conference Room 225 & Videoconference**

Dear Chair San Buenaventura, Vice Chair McKelvey, and the Members of the Committee on Health:

Hawaii Women Lawyers is a lawyer's trade organization that aims to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

**Hawaii Women Lawyers submits testimony in support of SCR 7 / SR 7**, which affirm and support the requirement that hospitals provide life-saving emergency care to pregnant people, including reproductive and abortion services, when such care is medically necessary to stabilize a patient under the Emergency Medical Treatment and Active Labor Act.

The Emergency Medical Treatment and Active Labor Act (EMTALA) was enacted in 1986 to ensure public access to emergency services regardless of ability to pay. For pregnant patients, this obligation includes treatment of emergency medical conditions that threaten their health, which, depending on the clinical circumstances, may include reproductive and abortion services.

In June 2025, the Centers for Medicare & Medicaid Services rescinded its 2022 guidance that had specifically clarified hospitals' EMTALA obligations to provide appropriate abortion care. That rescission has created uncertainty for hospitals and providers across the country about whether and when they must provide emergency reproductive care.

In the absence of clear federal guidance, state-level affirmations like HCR 6 send an important signal to Hawaii's hospitals, providers, and patients that are in our state, the expectation is that EMTALA's requirements will include providing abortion care when it is necessary to stabilize pregnant patients.

Medical emergencies do not wait, and the quality of emergency care a pregnant person receives should not vary based on the political climate in which a hospital operates. This resolution reaffirms what federal statute already requires: that hospitals stabilize patients in emergency situations, and that pregnant patients are entitled to the full scope of that protection.

**For the above reasons, we support SCR 7 / SCR 7 and respectfully request that the Committee pass these resolutions.**

Thank you for the opportunity to testify in support of this measure.



**LATE**

Committee: Health and Human Services  
Hearing Date/Time: Monday, March 30, 2026 at 1:07pm  
Place: Conference Room 225 & Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of SCR7 / SR7**

Dear Chair San Buenaventura, Vice Chair McKelvey, and Committee Members:

The ACLU of Hawai'i **supports SCR7 and SR7** affirming and supporting the requirement that hospitals provide life-saving emergency care to pregnant people, including reproductive and abortion services, when such care is medically necessary to stabilize a patient under the Emergency Medical Treatment and Active Labor Act.

The Emergency Medical Treatment and Labor Act (EMTALA) is a nearly 40-year-old federal law guaranteeing everyone treatment for emergency medical conditions, regardless of where they live. Patients expect that if they experience a medical crisis during their pregnancy, the hospital will be able to provide them with the care they need — including abortion to save their health or life. Yet instead of protecting patients, the Trump administration has rescinded guidance<sup>1</sup> that reaffirmed hospitals' obligation under the EMTALA.

Confusion caused by the Trump administration's actions have caused irreparable harm to pregnant patients and their families. We know that women will suffer life-changing complications and even die because of the Trump administration's decisions.

It is not enough for Hawai'i to have strong state protections on paper. Patients, providers, and hospital administrators need a clear, unambiguous signal from this Legislature that EMTALA's mandate — including its mandate to provide emergency abortion.

For these reasons, the ACLU of Hawai'i respectfully asks that you move this measure.

Sincerely,

**Mandy Fernandes**

Policy Director  
ACLU of Hawai'i

*With more than 4,000 Hawai'i-based members, the mission of the American Civil Liberties Union of Hawai'i is to protect the fundamental freedoms enshrined in the United States and Hawai'i State*

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<sup>1</sup> Department of Health & Human Services. Centers for Medicare & Medicaid Services. Rescinded Reinforcement of EMTALA Obligations specific to Patients who are Pregnant or are Experiencing Pregnancy Loss (QSO-21-22-Hospitals). <https://www.cms.gov/files/document/gso-22-22-hospitals-rescinded-05292024.pdf>

*Constitutions through legislative, litigation, and public education work. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving our communities in Hawai'i for over 60 years.*

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**SCR-7**

Submitted on: 3/29/2026 7:44:00 AM

Testimony for HHS on 3/30/2026 1:07:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Theresa Armbruster	Individual	Oppose	In Person

Comments:

I OPPOSE SCR7 & SR7

The Emergency Medical Treatment & Active Labor Act(EMTALA) definition of Emergency Medical Condition(EMC) for a pregnant woman: a condition that threatens her health OR the health of her unborn child--this creates an obligation to stabilize BOTH the pregnant woman & her unborn child. EMTALA does NOT explicitly state that a hospital "must" provide abortion care as a necessary stabilizing treat-ment for every EMC.

And, EMTALA does NOT specifically state that religious exemptions are not allowed--this would violate a person's Constitutional Right to free exercise of religious beliefs--freedom of religion.

Very concerning that this measure urged all hospitals' compliance, regardless of religious affiliation, to perform abortion as a stabilizing treatment. Abortion is NOT the established standard of care for religious hospitals.

There is no evidence that hospitals are denying emergency life-saving care for pregnant women. Therefore, these resolutions are unnecessary, & could create confusion where none currently exists.

Urge you to Vote NO to SCR7 & SR7

Mahalo