

**Session Laws of Hawaii**  
**Passed By The**  
**Fifth State Legislature**  
**Regular Session**  
**1970**

ACT 1

H. B. NO. 61

A Bill for an Act Relating to Abortion and Amending Chapter 768, Hawaii Revised Statutes.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 768, Hawaii Revised Statutes, is amended by repealing sections 768-6 and 768-7.

SECTION 2. The Hawaii Revised Statutes is hereby amended by adding a new section to read as follows:

**“Section . Intentional termination of pregnancy; penalties; refusal to perform.**

(a) No abortion shall be performed in this State unless:

(1) Such abortion is performed by a licensed physician or surgeon, or by a licensed osteopathic physician and surgeon; and

(2) Such abortion is performed in a hospital licensed by the department of health or operated by the federal government or an agency thereof; and

(3) The woman upon whom such abortion is to be performed is domiciled in this State or has been physically present in this State for at least ninety days immediately preceding such abortion. The affidavit of such a woman shall be prima facie evidence of compliance with this requirement.

(b) Abortion shall mean an operation to intentionally terminate the pregnancy of a non-viable fetus. The termination of a pregnancy of a viable fetus is not included in this Act.

(c) Any person who knowingly violates this section shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

(d) Nothing in this section shall require any hospital or any person to participate in such abortion nor shall any hospital or any person be liable for such refusal.”

SECTION 3. If any provision or portion thereof of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or portions thereof or applications of the Act which can be given effect without the invalid provision or portion thereof or applica-

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tion, and to this end the provisions or portions thereof of this Act are severable.

**SECTION 4.** This Act shall take effect upon its approval.

(This Act became law on March 11, 1970 without the Governor's signature pursuant to State Constitution, Article III, Section 17.)