Hawaii | RANKING: 45

Hawaii lacks the most basic protections for women and unborn children. The state fails to require informed consent for abortion, to mandate parental involvement in a minor’s abortion decision, or to ensure that abortion clinics meet minimum health and safety standards. Hawaii also fails to protect unborn victims of violence and to ban destructive embryo research or human cloning.

» ABORTION

- Hawaii has adopted a *Freedom of Choice Act*. The Act provides a “right” to abortion even if *Roe v. Wade* is eventually overturned, specifically providing that “[t]he State shall not deny or interfere with a female’s right to choose or obtain an abortion of a nonviable fetus or an abortion that is necessary to protect the life or health of the female.”
- Hawaii has no informed consent or parental involvement law.
- Hawaii maintains no enforceable abortion clinic regulations; however, only licensed physicians, surgeons, or licensed osteopathic physicians or surgeons may perform abortions.
- The state has an enforceable abortion reporting law, but does not require the reporting of information to the Centers for Disease Control (CDC).
- Hawaiian taxpayers are required by statute to pay for “medically necessary” abortions for women receiving state medical assistance. This requirement essentially equates to funding abortion-on-demand in light of the U.S. Supreme Court’s broad definition of “health” in the context of abortion.
- Hawaii offers “Choose Life” license plates, the proceeds of which benefit pregnancy resource centers and/or other organizations providing abortion alternatives.

» LEGAL RECOGNITION AND PROTECTION OF UNBORN AND NEWLY BORN

- Hawaii’s criminal law does not recognize or protect unborn children.
- The state allows a wrongful death (civil) action when a viable unborn child is killed through a negligent or criminal act.
- Hawaii does not require that appropriate medical care be given to an infant who survives an attempted abortion.
- Hawaii has a “Baby Moses” law, which permits a person to leave an unharmed infant
no more than 72-hours old at a hospital, fire station, or police station and be immune from prosecution for child abandonment. The professional receiving the child must inquire into the child's medical history and provide information on social services to the person relinquishing the infant.

» **BIOETHICS LAWS**

- Hawaii does not ban or regulate human cloning, destructive embryo research, or fetal experimentation.
- The state supports ethical research and treatments in a unique way by providing for a leave of absence for stem cell donors.
- The state does not maintain any meaningful regulation of assisted reproductive technologies or human egg harvesting.

» **END OF LIFE LAWS**

- In Hawaii, it is manslaughter if a person intentionally causes another person to commit suicide.
- Hawaii also has a “Pain Patients' Bill of Rights” which directs the Hawaii State Board of Nursing to develop and implement a pain and palliative care policy.

» **HEALTHCARE FREEDOM OF CONSCIENCE**

*Participation in Abortion*

- Under Hawaiian law, no person or hospital is required to participate in abortions.
- Health insurance plans that provide prescription coverage must also provide coverage for contraception. A conscience exemption exists for religious employers.

*Participation in Research Harmful to Human Life*

- Hawaii currently provides no protection for the rights of healthcare providers who conscientiously object to participation in human cloning, destructive embryo research, or other forms of medical research, which violate a provider's moral or religious belief.

» **WHAT HAPPENED IN 2014**

- Hawaii considered legislation prohibiting partial-birth abortion, mandating health and safety standards for abortion facilities, and requiring parental involvement before abortion.
- Hawaii considered a measure that included line-item funding for Planned Parenthood.
- The state enacted a unique measure encouraging ethical research and treatments by
providing for a leave of absence for stem cell donors.

- Hawaii considered a measure purportedly making the unauthorized use, implantation, or injection of human sperm, ova, embryos, or stem cells a felony; however, the measure allowed for the use of embryos (or stem cells) if there is consent. The state also considered legislation related to assisted reproductive technologies.

- Hawaii enacted a measure modifying its existing Physician Orders for Life-Sustaining Treatment (POLST) Paradigm program. The state also considered a number of other measures regarding the end of life, including legislation legalizing assisted suicide, expanding healthcare provider signatory authority to include advanced practice registered nurses, and relating to pain management and palliative care.

- The state adopted a resolution honoring the State Commission of the Status of Women for, in part, supporting a coercive measure requiring Hawaii’s emergency rooms to dispense so-called “emergency contraception” regardless of religious and moral objections.
RECOMMENDATIONS
for HAWAII

WOMEN’S PROTECTION PROJECT PRIORITIES

- Women’s Health Defense Act (5 month abortion limitation)
- Women’s Right to Know Act with reflection period
- Abortion Patients’ Enhanced Safety Act
- Abortion-Inducing Drugs Safety Act
- Parental Notification for Abortion Act
- Child Protection Act
- Enhanced penalties and enforcement mechanisms for the state’s abortion-related laws

ADDITIONAL PRIORITIES

**Abortion**
- Repeal State FOCA
- Federal Abortion-Mandate Opt-Out Act
- Defunding the Abortion Industry and Advancing Women’s Health Act
- Women’s Ultrasound Right to Know Act
- Coercive Abuse Against Mothers Prevention Act
- Prenatal Nondiscrimination Act

**Legal Recognition and Protection for the Unborn**
- Crimes Against the Unborn Child Act
- Unborn Wrongful Death Act (for a pre-viable child)
- Born-Alive Infant Protection Act
- Pregnant Woman’s Protection Act

**Bioethics**
- Human Cloning Prohibition Act
- Destructive Embryo Research Act
- Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act
RECOMMENDATIONS
for HAWAII (CONT.)

End of Life

• Assisted Suicide Ban Act

Healthcare Freedom of Conscience

• Healthcare Freedom of Conscience Act