Hawaii | RANKING: 42

Hawaii lacks the most basic protections for women and unborn children. It 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. It 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 care centers and/or other organizations providing abortion alternatives.

- Hawaii allows a pharmacist to provide “emergency contraception” to women without a prescription, provided the pharmacist has a collaborative therapy agreement with a licensed physician.

- Health insurance plans that provide prescription coverage must also provide coverage for contraception. An exemption exists for religious employers.
LEGAL RECOGNITION 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 infants who survive an attempted abortion.
- Hawaii has a “Baby Moses” law, which allows 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

- Hawaii does not ban or regulate human cloning, destructive embryo research, fetal experimentation, or human egg harvesting.
- Further, the state does not promote ethical alternatives to destructive embryo research, nor does it maintain any meaningful regulation of assisted reproductive technologies.

END OF LIFE

- 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.

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 immoral medical research.
WHAT HAPPENED IN 2012

• Hawaii considered no life-affirming measures in 2012. Instead, the state adopted a measure designating a “Reproductive Rights Awareness Week” and considered legislation to expand abortion funding.

• Hawaii also considered several measures related to insurance coverage of assisted reproductive technologies, adopting one measure that requires the state Auditor to assess the social and financial effects of requiring health insurance coverage for fertility preservation procedures for persons of reproductive age who have been diagnosed with cancer.

• Hawaii considered measures permitting physician-assisted suicide and legislation related to advance planning documents, pain management, and palliative care.
RECOMMENDATIONS
for HAWAII

TOP PRIORITIES

- Repeal State FOCA
- Abortion Mandate Opt-Out Act
- Defunding the Abortion Industry and Advancing Women’s Health Act
- Women’s Right to Know Act
- Parental Notification for Abortion Act
- Women’s Health Protection Act (abortion clinic regulations)
- Abortion-Inducing Drugs Safety Act
- Crimes Against the Unborn Child Act
- Assisted Suicide Ban Act

ADDITIONAL PRIORITIES

Abortion
- Women’s Ultrasound Right to Know Act
- Coercive Abuse Against Mothers Prevention Act
- Child Protection Act
- Joint Resolution Commending Pregnancy Care Centers

Legal Recognition and Protection for the Unborn
- 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

Healthcare Freedom of Conscience
- Healthcare Freedom of Conscience Act