

EXECUTIVE ORDER 22-05
(Protecting Access to Reproductive Health Care Services)

By the authority vested in me by the Constitution and laws of the State of Hawai'i, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine and order as follows:

WHEREAS, the people of Hawai'i have a right to privacy and personal autonomy, recognized in article I, section 6 of the Hawai'i Constitution, that encompasses personal decisions relating to procreation, contraception, abortion, and other aspects of reproductive health and choice;

WHEREAS, the State of Hawai'i has a long tradition of protecting the right to privacy and personal autonomy independently of, and more broadly than, the federal constitution, and was the first state in the United States to decriminalize abortion when the Legislature enacted Act 1 of 1970 on March 11 of that year;

WHEREAS, Hawai'i law establishes that the State shall not deny or interfere with a pregnant person's right to choose or obtain an abortion of a nonviable fetus or an abortion that is necessary to protect a pregnant person's life or health, HRS §§ 453-16(c), 457-8.7(c);

WHEREAS, the United States Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* overturns nearly fifty years of federal precedent regarding reproductive rights—including *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992)—and marks a major step backward for reproductive health;

WHEREAS, numerous states across the country have moved to ban or severely restrict access to abortion following the *Dobbs* decision;

WHEREAS, some states have also adopted—or may adopt—laws or policies purporting to impose civil or criminal liability or professional

discipline in connection with the provision or receipt of, or assistance with, reproductive health care services outside of these states' own borders;

WHEREAS, it is the policy of the State of Hawai'i—recognized in the Constitution and laws of the State, and reiterated and reaffirmed in this Executive Order—to protect access to reproductive health care, including abortion care, without unnecessary burdens or restrictions on patients or providers;

NOW, THEREFORE, I, David Y. Ige, Governor of the State of Hawai'i, pursuant to my authority under the Constitution and laws of the State of Hawai'i—including, but not limited to, article V, section 1 of the Hawai'i Constitution, article I, section 6 of the Hawai'i Constitution, and sections 453-16(c), 457-8.7(c), 832-2, 832-4, 832-5, and 832-6, Hawai'i Revised Statutes—do hereby determine and order the following:

1. Except as otherwise required by law or as required by order of a court of competent jurisdiction, all executive departments and agencies subject to my authority shall not provide any information, including patient medical records, patient-level data, or related billing information, or expend state resources in furtherance of any inquiry, investigation, or proceeding initiated in or by another state that seeks to impose civil, criminal, or professional liability upon a person or entity for:
 - a. providing, securing, receiving, or supporting reproductive health care services legally performed or provided in this State; or
 - b. any form of assistance or support given to any person or entity that relates to providing, securing, receiving, or supporting reproductive health care legally performed or provided in this State.

The restrictions set forth in this Section shall not apply to any investigation or proceeding where it reasonably appears that the conduct that is subject

to potential liability under the investigation or proceeding initiated in or by the other state would be subject to civil or criminal liability or professional sanction under the law of this State if committed in this State.

Notwithstanding the restrictions set forth in this Section, departments and agencies may provide information or assistance in connection with such an investigation or proceeding in response to the written request of a person who is the subject of such an investigation or proceeding.

2. Pursuant to the discretionary authority vested in the Office of the Governor under chapter 832, Hawai'i Revised Statutes, it is the policy of the Office of the Governor to decline any request received from the executive authority of any other state to issue a warrant for the arrest or surrender of any person charged with a criminal violation of a law of another state when the violation alleged involves the provision or receipt of, or assistance with, reproductive health care services, unless the acts forming the basis of the prosecution would also constitute a criminal offense under the laws of the State of Hawai'i. Consistent with the requirements of Article IV of the United States Constitution and chapter 832, Hawai'i Revised Statutes, this policy shall not apply if the person who is the subject of the request for arrest or surrender was physically present in the requesting state at the time of the commission of the alleged offense and thereafter fled from that state.

3. The Director of the State of Hawai'i Department of Commerce and Consumer Affairs is directed to work with the boards of professional licensure operating under the Department's supervision to consider whether to implement policies that will ensure that no person shall be disqualified from licensure or subject to discipline by a Hawai'i board of professional licensure for providing, receiving, or assisting in the provision or receipt of reproductive health care services or as a consequence of any judgment, discipline, or other sanction threatened or imposed under the

laws of another State so long as the services as provided would have been lawful and consistent with standards for good professional practice in the State.

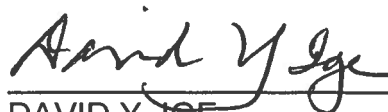
4. For purposes of this Executive Order, “reproductive health care services” means all medical, surgical, counseling, or referral services relating to the human reproductive system, including, but not limited to, services relating to pregnancy, contraception, or the termination of a pregnancy.

5. This Executive Order shall take effect immediately.

6. This Executive Order shall continue in effect until amended, superseded, or revoked by subsequent Executive Order.

7. This Executive Order is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Done at the State Capitol, Honolulu,
State of Hawai'i, this 11th day of
October, 2022



DAVID Y. IGE,
Governor of Hawai'i

APPROVED AS TO FORM:



Holly. T. Shikada
Attorney General
State of Hawai'i