

STATE LEGAL SNAPSHOT

Hawaii

Abortion law, status, and enforcement — one-page reference

As of Jul 12, 2026

Research completed Jul 12, 2026

Confidence: high



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Abortion is **protected by statute**, legal at every stage of pregnancy — **no gestational limit**, currently available.

GESTATIONAL LIMIT	None	✓ AVAILABLE	Yes	✓ MOTHER EXEMPT	Yes	FETAL HOMICIDE LAW	No	PERSONHOOD LANGUAGE	No
✓ TELEHEALTH	Allowed	WAITING PERIOD	None	RAPE / INCEST EXCEPTION	N/A	PARENTAL INVOLVEMENT	None	✓ SHIELD STATE	Yes
MEDICAID	Broader than Hyde	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below				

§ Jurisdiction overview

Hawaii was the first state to legalize abortion (1970) and today offers among the strongest statutory protections in the nation, with no gestational cutoff before viability.

Haw. Rev. Stat. § 453-16(b) · Haw. Const. art. I, § 6 · Act 2, Session Laws of Hawaii 2023 (SB 1)

☒ Fetal personhood & the internal contradiction

Hawaii's law is largely internally consistent on fetal personhood, but there is one notable tension. The state does not define the fetus as a 'person' for criminal, civil, or family-law purposes — it has no fetal homicide statute, no personhood language in its constitution, and its abortion statute protects the right to terminate a pregnancy. Yet the Hawaii Intermediate Court of Appeals has recognized that a wrongful-death action may be brought for the death of a viable, unborn fetus.

Haw. Rev. Stat. § 707-702(1)(a) · HB 1234, 28th Leg. (Haw. 2015) · HB 1332, 32nd Leg. (Haw. 2024)

MINORS

Hawaii does not require parental consent or notification for a minor to obtain an abortion; minors who are or profess to be pregnant may consent on their own.

SPOUSAL / PATERNAL RIGHTS

Hawaii has never enacted a spousal-consent or paternal-notice requirement for abortion; none exists on the books.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Pregnant person	None; HRS § 323J-5 expressly prohibits the state from penalizing anyone based on pregnancy outcomes	No criminal or civil penalty
Physician / surgeon / osteopathic physician	None; abortion provision is expressly authorized by HRS § 453-16(a)	No criminal penalty; license protected from out-of-state discipline under HRS § 453-8.6
Advanced practice registered nurse	None; APRNs are expressly authorized to provide medication and aspiration abortion under HRS § 457-8.7	No criminal penalty; nursing license protected from out-of-state discipline under HRS § 457-12 (amended by Act 2, 2023)
Physician assistant	None; PAs are expressly authorized to provide medication and aspiration abortion in the first trimester under HRS § 453-16(a)	No criminal penalty; license protected from out-of-state discipline under HRS § 453-8.6
Pharmacist	None; pharmacists filling lawful prescriptions for abortion medication are acting within their scope; pharmacy license protected under HRS § 461-21.5	No criminal or civil penalty

Recent changes

- May 2026** HB 1875 enacted, expanding Chapter 323J shield-law protections to include gender-affirming health care services, creating a cause of action for 'abusive litigation,' and prohibiting medical malpractice insurers and health carriers from taking adverse action against providers based solely on providing lawful reproductive or gender-affirming health care services.
- Oct 2025** Federal district court in Hawaii (*Purcell v. Kennedy*, formerly *Chelius v.*
- Mar 2023** Governor Josh Green signed SB 1 (Act 2, Session Laws of Hawaii 2023) into law, creating the comprehensive Chapter 323J shield-law framework, expanding provider types to include physician assistants, replacing gendered language with 'pregnant person,' and strengthening the statutory right to abortion.
- Oct 2022** Governor David Ige signed Executive Order 22-05, prohibiting executive departments from cooperating with out-of-state investigations related to reproductive health care services and protecting providers and patients.
- Jun 2022** U.S. Supreme Court decided *Dobbs v. Jackson Women's Health Organization*, overruling *Roe v. Wade*.
- Apr 2021** Governor David Ige signed HB 576 (Act 3, Session Laws of Hawaii 2021), authorizing advanced practice registered nurses (APRNs) to provide medication and aspiration abortion care, expanding the provider base beyond physicians.
- May 2006** Act 35 (Session Laws of Hawaii 2006) amended HRS § 453-16, removing the 90-day residency requirement and hospital-only mandate, restructuring the law as an affirmative right rather than a decriminalization with preconditions, and eliminating the original criminal penalty.

Pending changes to watch

HB 728 (2026)

Legislation · Introduced in the 2026 legislative session; proposes a constitutional amendment to protect reproductive freedom in the Hawaii Constitution.

Would amend the Hawaii Constitution to explicitly prohibit the state from denying or interfering with an individual's reproductive freedom, including the right to abortion and contraception.

SB 2038 (2026)

Legislation · Introduced in the 2026 legislative session.

Would authorize certain pregnant persons to receive abortion medication with a label that does not bear their name and other identifying information, enhancing privacy protections.

Purcell v. Kennedy (formerly *Chelius v. Becerra*)

Litigation · Federal district court in Hawaii granted plaintiffs' summary judgment motion on October 30, 2025, ruling FDA REMS restrictions unlawful.

May further reduce federal barriers to medication abortion access, including elimination of remaining REMS requirements.

Key authorities

HRS § 453-16 — Intentional termination of pregnancy; refusal to perform Haw. Rev. Stat. § 453-16

The foundational abortion statute: protects the right to abortion of a nonviable fetus and termination to protect life/health, defines 'abortion' and 'nonviable fetus,' and authorizes providers.

HRS Chapter 323J — Reproductive Health Care Services Haw. Rev. Stat. ch. 323J

Comprehensive shield law: blocks out-of-state subpoenas, agency cooperation, and extradition; prohibits adverse state action based on pregnancy outcomes; declares contrary out-of-state laws void as against Hawaii public policy.

HRS § 457-8.7 — APRN abortion authority Haw. Rev. Stat. § 457-8.7

Authorizes advanced practice registered nurses to provide medication and aspiration abortion care, expanding the provider base beyond physicians.

HRS § 577A-2 — Minor consent to medical care Haw. Rev. Stat. § 577A-2

Allows pregnant minors to consent to their own abortion care without parental involvement, making judicial bypass unnecessary.

HRS § 453-8.6 — License discipline shield Haw. Rev. Stat. § 453-8.6

Prohibits the Hawaii Medical Board from disciplining physicians based on another state's action if the discipline was for providing reproductive health care lawful in Hawaii.

Generated from the structured legal focused deep-research record for HI (research completed 2026-07-12). This snapshot condenses a much larger sourced dataset — full citations, quoted statutory text, and plain-language explanations are in the full Hawaii survey. This document has not been reviewed by a lawyer and should not be used as legal advice.