

Hawaii

Shield Law Fact Sheet

August 2026

Hawaii's shield laws provide protections against out-of-state investigations and prosecutions, professional discipline, and civil liability related to reproductive and gender-affirming health care services. Additionally, Hawaii's shield laws provide protections for health care providers' professional liability insurance and for the privacy of medical information related to reproductive or gender-affirming health care services.

Protection against Out-of-State Investigations and Prosecutions

Protection Barring State Agency/Employee Assistance

State agencies or people acting on their behalf may not provide any information or expend any resources in furtherance of an out-of-state or interstate investigation or proceeding seeking to impose liability upon a person or entity for providing, receiving, seeking, paying for, inquiring or responding to inquiries about, assisting in, or providing material support for reproductive health care or gender-affirming health care services legal under Hawaii law ("protected health activity").¹

Protection against Extradition and Arrests

The Governor must deny any demand to surrender a person charged by another state with an alleged crime involving "protected health activity."² This does not apply to an extradition demand under Article IV, section 2, of the U.S. Constitution where the person is alleged to have committed a crime in and fled from the state demanding their surrender.³

¹ SB 1 (Haw. 2023), HB 1875 (Haw. 2026) (Haw. Rev. Stat. § 323J-4).

² SB 1 (Haw. 2023), HB 1875 (Haw. 2026) (Haw. Rev. Stat. § 323J-6).

³ SB 1 (Haw. 2023), HB 1875 (Haw. 2026) (Haw. Rev. Stat. § 323J-6).

Protection against Issuance of Search Warrants, Subpoenas, and Witness Summons

Courts may not order the issuance of a subpoena in connection with an out-of-state proceeding relating to reproductive health care or gender-affirming health care services lawful under Hawaii law.⁴ Additionally, judges may not issue a summons in a case related to the criminal violation of another state’s law involving “protected health activity.”⁵

Protection from Professional Discipline

Protection against Adverse Actions related to Providers’ Licenses and Other Board Discipline

The boards governing medicine and surgery, nursing, and pharmacy may not impose discipline or deny, revoke, limit, or suspend a provider’s license to practice based on a conviction or discipline imposed by another state or federal agency if based on the provider’s provision or assistance in health care services relating to pregnancy, contraception, the termination of pregnancy, or gender-affirming health care services lawfully performed in Hawaii or that would be legal if they occurred in Hawaii.⁶ Additionally, the bodies governing family therapists, mental health counselors, and psychologists may not deny, revoke, condition, or suspend their licenses because of a conviction or disciplinary action by another state or federal agency if based on assistance in, receipt, or provision of gender-affirming health care services that are legal in Hawaii.⁷

Protection against Civil Liability

Protection against Application or Enforcement of Another State’s Laws or Judgments in Hawaii State Court

Hawaii courts may not apply another state’s laws authorizing a civil action or criminal prosecution for “protected health activity.”⁸ Additionally, Hawaii courts may not enforce a judgment or order arising from an out-of-state penal action banning, restricting, burdening, punishing, penalizing, or otherwise interfering with the provision of reproductive health care services—including relating to pregnancy, contraception, or termination of a pregnancy—or gender-affirming health care services, that are lawful in Hawaii or would be lawful if performed in Hawaii.⁹

⁴ SB 1 (Haw. 2023), HB 1875 (Haw. 2026) (Haw. Rev. Stat. § 323J-3).

⁵ SB 1 (Haw. 2023), HB 1875 (Haw. 2026) (Haw. Rev. Stat. § 836-2).

⁶ SB 1 (Haw. 2023), HB 1875 (Haw. 2026) (Haw. Rev. Stat. §§ 453-8, 453-8.6, 457-12, 457-12.5, 461-21.5).

⁷ HB 1875 (Haw. 2026) (Haw. Rev. Stat. §§ 451J-11, 453D-12, 465-13).

⁸ SB 1 (Haw. 2023), HB 1875 (Haw. 2026) (Haw. Rev. Stat. §323J-7).

⁹ SB 1 (Haw. 2023), HB 1875 (Haw. 2026) (Haw. Rev. Stat. § 636C-9).

Provision of a “Clawback Lawsuit” to Recover Damages from Litigation related to Protected Care

A person or entity may bring a “clawback action”: a civil action against a person or entity who engages in or attempts to engage in “abusive litigation”—legal action brought against a person or entity for accessing, receiving, providing, facilitating, or attempting to access, receive, provide, or facilitate reproductive health care services or gender-affirming health care services that are legal in Hawaii.¹⁰ Through the clawback action, a person or entity may receive injunctive relief, damages (including the amount of any judgment issued in the abusive litigation), expenses, costs, and reasonable attorneys’ fees.¹¹

Protection of Professional Liability Insurance and Protection Related to Health Plans

Protection against Insurer’s Refusal to Issue Insurance, Increase in Premiums, or Denial of Coverage Based Solely on Providing Protected Care

An insurer of medical malpractice may not cancel, terminate, or refuse to issue or renew a medical malpractice policy, or impose sanctions, fines, penalties, or rate increases solely because the applicant or insured has provided or assisted in the provision of reproductive health care services or gender-affirming health care services that are consistent with generally accepted standards of practice and lawful in the state.¹²

Protection of Contracts with Health Plans and Insurers

A group health plan or insurer offering a health plan in Hawaii may not terminate or refuse to renew a health care contract with a health care provider solely because the provider provides or assists in the provision of reproductive health care services or gender-affirming health care services.¹³

Privacy of Medical Information and Other Data Related to Reproductive or Gender-Affirming Care

Protection Against Disclosure of Medical Information

Health plans, health care clearinghouses, and health care providers (“covered entities”) who electronically transmit any health information may not disclose any individually identifiable health information for purposes or activities related to civilly, criminally, or administratively investigating or

¹⁰ HB 1875 (Haw. 2026) (Haw. Rev. Stat. § 323J-___).

¹¹ HB 1875 (Haw. 2026) (Haw. Rev. Stat. § 323J-___).

¹² HB 1875 (Haw. 2026) (Haw. Rev. Stat. § 323J-___).

¹³ HB 1875 (Haw. 2026) (Haw. Rev. Stat. § 323J-___).

imposing liability on a person for seeking, obtaining, providing, or facilitating reproductive or gender-affirming health care services permitted under Hawaii law or under federal law regardless of the state in which they are provided (“prohibited purposes or activities”).¹⁴ Covered entities may disclose individually identifiable health information related to reproductive or gender-affirming health care services if the request is accompanied by a signed attestation that it does not relate to prohibited purposes or activities, and is for health oversight activities, judicial and administrative proceedings, law enforcement purposes, or coroners and medical examiners as defined by HIPAA’s Privacy Rule.¹⁵

¹⁴ SB 1 (Haw. 2023), HB 1875 (Haw. 2026) (Haw. Rev. Stat. § 323J-2). Covered entities must presume the reproductive or gender-affirming health care services are lawful unless they have actual knowledge or a substantial factual basis on which to conclude that the services were not lawful under the circumstances in which they were provided. HB 1875 (Haw. 2026) (Haw. Rev. Stat. § 323J-2).

¹⁵ HB 1875 (Haw. 2026) (Haw. Rev. Stat. § 323J-2) (citing 45 CFR § 164.512).

ABOUT THE CENTER ON REPRODUCTIVE HEALTH, LAW, AND POLICY (CRHLP)

CRHLP is a nationwide think tank and research center created to meet the current national crisis in access to abortion while working towards long-term solutions to advance reproductive justice. CRHLP conducts analysis and research for legal, policy, and narrative change and serves as a trusted hub for convening and engaging academics, advocates, health care providers, policy makers, and community members to reimagine the landscape of reproductive health law and policy. CRHLP also trains the reproductive law and policy leaders of tomorrow. CRHLP is committed to the highest standards of independent inquiry, academic excellence, and rigor. Research findings and conclusions are never altered to accommodate other interests, including those of funders, other organizations, or government bodies and officials.

For more information

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To receive pro bono legal assistance on questions related to the shield laws or other reproductive rights or justice issues, email: larj@law.ucla.edu