

STAND. COM. REP. NO.

1168

Honolulu, Hawaii

, 2025

**FEB 28**

RE: H.B. No. 1194  
H.D. 2

Honorable Nadine K. Nakamura  
Speaker, House of Representatives  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Madame:

Your Committee on Finance, to which was referred H.B. No. 1194, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MIDWIVES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Make laws regulating midwives and the practice of midwifery permanent;
- (2) Clarify the scope of practice of midwifery;
- (3) Establish licensure requirements for certified midwives and certified professional midwives, including continuing education requirements;
- (4) Grant global signature authority to midwives;
- (5) Grant prescriptive authority to licensed midwives practicing as certified midwives and amend the list of approved legend drugs that may be administered by licensed midwives;
- (6) Establish peer review and data submission requirements for midwives;



- (7) Affirm that the practice of midwifery does not include traditional native Hawaiian healers performing traditional Hawaiian healing practices;
- (8) Clarify exemptions from licensure and grounds for refusal to grant, renew, reinstate, or restore licenses and for the revocation, suspension, denial, or condition of licenses; and
- (9) Clarify medical record availability and retention requirements for the purposes of medical torts.

Your Committee received testimony in support of this measure from the Healthcare Association of Hawaii; Early Childhood Action Strategy; Banyan Birth LLC; Hawaii Section of the American College of Obstetricians and Gynecologists; Hawaii Medical Association; Midwives Alliance of Hawai'i; American Academy of Pediatrics, Hawaii Chapter; and numerous individuals.

Your Committee received testimony in opposition to this measure from one member of the Kaua'i County Council; Hawai'i Home Birth Task Force; Hawai'i Home Birth Collective; Aoki Birthing Care; Maui Midwifery; Democratic Party of Hawai'i; Hui Aloha 'Aina na Wahine o Wai'ale'ale Women's Patriotic League; Laulima Midwifery; Pacific Birth Collective Board of Directors; Prana Midwifery, LLC; Hawai'i Midwifery Council; Gentle Beginnings Midwifery; Hale Kealaula, LLC; Chamber of Sustainable Commerce; Nightbloom Birth; Libertarian Party of Hawaii; Hana Business Council; American Civil Liberties Union of Hawai'i; Ho'opae Pono Peace Project; More Than Maternity LLC; Mālama Nā Pua o Haumea; Over the Rainbow, LLC; Maui Medical Healers Hui; and numerous individuals.

Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs; Hawai'i State Center for Nursing; one member of the Hawai'i County Council; American Society of Radiologic Technologists; Mahina Midwives; Ko'olaupoko Hawaiian Civic Club; Committee of Midwife Advocates for the Certified Midwife of the American College of Nurse-Midwives; Papa Ola Lokahi; Hawai'i Affiliate of the American College of Nurse-Midwives Board of Directors; North American Registry of Midwives; American College of Nurse-Midwives; and Native Hawaiian Legal Corporation.



Your Committee finds that the regulation of midwifery is necessary to protect public health and safety. Three separate reports by the Office of the Auditor (Nos. 99-14, 17-1, and 25-03) determined that the nature of the maternity and prenatal services provided by a midwife may endanger the health and safety of pregnant people and newborns under the midwife's care, therefore, the profession of midwifery should be subject to regulation. Your Committee considered several hours of public testimony about the importance of high-quality, competent care for both a mother and baby, and the risk of long-term negative health impacts if pregnancy-related complications go unrecognized and untreated.

At the same time, your Committee understands the importance of protecting Native Hawaiian traditional and customary practices as recognized under article XII, section 7, of the Hawaii State Constitution. Therefore, your Committee finds that amendments to this measure are necessary to be clear that Native Hawaiian traditional and customary practices do not fall under the "practice of midwifery" and any person who engages in Native Hawaiian traditional and customary practices that are protected under the Hawaii State Constitution is exempt from chapter 457J, Hawaii Revised Statutes.

Your Committee has amended this measure by:

- (1) Clarifying that Native Hawaiian traditional and customary practices protected under the Hawaii State Constitution are exempt from the regulatory provisions of this measure and deleting references to kupuna councils convened by Papa Ola Lokahi;
- (2) Clarifying that the scope of practice of midwifery excludes performing, supervising, and interpreting procedures using ionizing radiation;
- (3) Removing workers' compensation verification documents, Department of Education verification and evaluation forms, and physical examination forms from the global signature authority granted to midwives;
- (4) Clarifying the peer review requirements for clinical cases subject to peer review when the intended place of birth is not a hospital or an accredited birth facility;

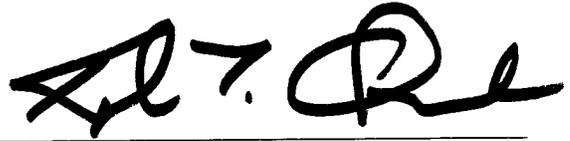


- (5) Clarifying data submission requirements for license renewal, including that the Department of Commerce and Consumer Affairs may require data submission to an organization approved by the Department as a condition of license renewal, but that the requirement shall not apply to midwives working in a hospital or an accredited birth facility;
- (6) Clarifying the definitions of "certified midwife", "certified professional midwife", and "telehealth";
- (7) Amending the definition of "practice of midwifery" to remove primary care for individuals from adolescence through adulthood;
- (8) Clarifying that the licensure exemption for an individual licensed and performing work within the person's scope of practice that overlaps with the practice of midwifery does not authorize the individual to use the title of "midwife" or "licensed midwife";
- (9) Clarifying that the requirements for cardiopulmonary resuscitation (CPR) and neonatal resuscitation program (NRP) certification as a condition of initial licensure and renewal shall be current at the time of licensure and renewal and remain current throughout the license period;
- (10) Specifying that failure to maintain current and valid CPR and NRP certifications are grounds for refusal to grant, renew, reinstate, or restore a license and for revocation, suspension, denial, or condition of a license;
- (11) Providing that grounds for disciplinary action against a midwife do not include the delegation of administrative and technical clinical tasks to a person who is assisting the midwife;
- (12) Changing the effective date to June 29, 2025; and
- (13) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1194, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1194, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Finance,



KYLE T. YAMASHITA, Chair



