

---

---

# A BILL FOR AN ACT

RELATING TO HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that individuals have  
2 certain constitutional and statutory rights relating to their  
3 religious or cultural practices and beliefs. Certain of these  
4 practices relate to the individual's disposition of their  
5 child's placenta (‘iewe) following birth.

6           The legislature further finds that state policy must be  
7 amended to allow the department of health to create  
8 administrative rules assuring that these rights are honored and  
9 respected.

10           According to native Hawaiian religious practices, the  
11 correct cleansing and disposal of the ‘iewe is critical to the  
12 physical and spiritual health of both the mother and the newborn  
13 child. At present, hospitals are capable of testing the  
14 placenta for infectious diseases prior to its release to the  
15 patient. If the placenta is not infectious or otherwise harmful  
16 to the public, the State has the obligation to assure that  
17 religious and cultural beliefs and practices are not impeded by  
18 a failure to address proper procedures for access.



1 SECTION 2. Section 321-21, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[+]§321-21[+] **Infectious wastes; management and disposal.**

4 (a) The department of health shall adopt rules pursuant to  
5 chapter 91 for the management and disposal of infectious wastes  
6 generated by hospitals, clinics, other health care facilities,  
7 doctors' offices, dentists' offices, research laboratories,  
8 veterinary clinics, and other generators of infectious wastes.

9 (b) The rules shall include:

10 (1) A definition of infectious wastes that clearly and  
11 objectively defines infectious wastes and specifies  
12 acceptable containers and other factors related to the  
13 identification, segregation, containment, and  
14 transportation of infectious wastes.

15 (2) Effective July 1, 1991, all generators of infectious  
16 wastes shall show proof that infectious wastes are  
17 being managed and disposed of according to  
18 departmental rules upon request of the department.

19 (c) Upon negative findings of infection or hazard after  
20 appropriate testing, the placenta shall be deemed non-infectious  
21 waste and may be released by the hospital, clinic, or other  
22 health care facility to the woman from whom it originated or a



1 designated individual. The hospital, clinic, or other health  
2 care facility shall follow procedures adopted by the department  
3 of health to assure the appropriate handling and transfer of the  
4 placenta."

5 SECTION 3. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.

**Report Title:**

Non-Infectious Waste; Management

**Description:**

Provides that a placenta may be released by a hospital to the woman from which it originated. (SD1)

