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## A BILL FOR AN ACT

RELATING TO MIDWIVES.

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

1           SECTION 1. The legislature finds that in April 2021,  
2 traditional midwives received a public apology from the American  
3 College of Nurse Midwives who acknowledged "that it can no  
4 longer continue to attribute the white washing of midwifery to a  
5 lack of qualifications or interest by Black and Indigenous  
6 people. This fails to acknowledge that white supremacy acted as  
7 suppressor, then law enforcer and 'teacher', then eliminator and  
8 replacer of Black and Indigenous traditional midwives with white  
9 midwives."

10           The legislature further finds that Act 32, Session Laws of  
11 Hawaii 2019, stated that the "legislature notes that practicing  
12 midwifery according to this Act does not impede one's ability to  
13 incorporate or provide cultural practices."

14           The purpose of this Act is to correct the history of white  
15 supremacy in midwifery by creating an exemption in chapter 457J,  
16 Hawaii Revised Statutes, for traditional midwives from the  
17 current midwifery licensing law.



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1 SECTION 2. Section 457J-2, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4 "Traditional midwife" means a person who adheres to the  
5 core competencies of the National Aboriginal Council of Midwives  
6 and practices under the Hawaii Home Birth Elders Council."

7 SECTION 3. Section 457J-6, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "[~~§~~457J-6] **Exemptions.** (a) A person may practice  
10 midwifery without a license to practice midwifery if the person  
11 is:

- 12 (1) A certified nurse-midwife holding a valid license  
13 under chapter 457;
- 14 (2) Licensed and performing work within the scope of  
15 practice or duties of the person's profession that  
16 overlaps with the practice of midwifery;
- 17 (3) A student midwife who is currently enrolled in a  
18 midwifery educational program under the direct  
19 supervision of a qualified midwife preceptor;



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- 1           (4) A person rendering aid in an emergency where no fee  
2                   for the service is contemplated, charged, or received;  
3                   or
- 4           (5) A person acting as a birth attendant on or before  
5                   July 1, 2023, who:
- 6                   (A) Does not use legend drugs or devices, the use of  
7                           which requires a license under the laws of the  
8                           State;
- 9                   (B) Does not advertise that the person is a licensed  
10                           midwife;
- 11                  (C) Discloses to each client verbally and in writing  
12                           on a form adopted by the department, which shall  
13                           be received and executed by the person under the  
14                           birth attendant's care at the time care is first  
15                           initiated:
- 16                           (i) That the person does not possess a  
17                                   professional license issued by the State to  
18                                   provide health or maternity care to women or  
19                                   infants;





1                   the form available for inspection upon request by  
2                   the department.

3           (b) Nothing in this chapter shall prohibit healing  
4 practices by traditional Hawaiian healers engaged in traditional  
5 healing practices of prenatal, maternal, and child care as  
6 recognized by any council of kupuna convened by Papa Ola Lokahi.  
7 Nothing in this chapter shall limit, alter, or otherwise  
8 adversely impact the practice of traditional Native Hawaiian  
9 healing pursuant to the Constitution of the State of Hawaii.

10           (c) Nothing in this chapter shall prohibit a person from  
11 administering care to a person's spouse, domestic partner,  
12 parent, sibling, or child.

13           (d) Nothing in this chapter shall:

14           (1) Prohibit healing practices by traditional midwives  
15           engaged in traditional healing practices of prenatal,  
16           maternal, and child care as identified in the National  
17           Aboriginal Council of Midwives core competencies and  
18           as recognized by the Hawaii Home Birth Elders Council,  
19           or any successor organization; or

20           (2) Nothing in this chapter shall limit, alter, or  
21           otherwise adversely impact the practice of traditional





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**Report Title:**

Traditional Midwives; Childbirth

**Description:**

Exempts traditional midwives from midwifery licensing requirements.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

