

Honolulu, Hawaii

FEB 11 2022

RE: S.B. No. 2661
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 2661
entitled:

"A BILL FOR AN ACT RELATING TO MIDWIVES,"

begs leave to report as follows:

The purpose and intent of this measure is to create an
exemption for traditional midwives from the current midwifery
licensing law.

Your Committee received testimony in support of this measure
from the Maui County Committee on the Status of Women; Hawai'i Home
Birth Collective; Ho'opae Pono Peace Project; Pacific Birth
Collective; Sacred Healing Arts Collective, LLC; Aoki Birthing
Care LLC; Hawaii Midwifery Council; Hale Kealaula, LLC; and one
hundred forty-nine individuals. Your Committee received testimony
in opposition to this measure from the Hawai'i Section of the
American College of Obstetricians and Gynecologists, and forty-
five individuals. Your Committee received comments on this
measure from the Department of Commerce and Consumer Affairs,
Midwives Alliance of Hawai'i, and two individuals.

Your Committee finds that from 1998 until the passage of Act
32, Session Laws of Hawaii 2019 (Act 32), the profession of
midwifery was not regulated. Your Committee further finds that
Act 32 attempted to address this issue by creating a regulatory
scheme for the midwifery profession, while acknowledging cultural



midwifery practices by exempting native Hawaiian healers from licensure requirements until 2023. Act 32 also established a Home Birth Task Force, which was directed to investigate issues relating to direct entry midwives and home births. This measure creates an exemption for traditional midwives from the current midwifery licensing law resulting from the Home Birth Task Force's investigation.

Your Committee heard significant testimony in both support of and opposition to this measure. Your Committee finds that there remain several issues that this measure, as drafted, does not address. For example, it is unknown how many midwives will apply for the licensing exemption, thus leaving the possibility that the exemption will become the rule. Your Committee also finds that the current licensing exemption does not expire until July 1, 2023, and therefore, there is sufficient time to better examine the outstanding issues relating to the practical implementation of the licensing exemption as proposed in this measure, as introduced.

Accordingly, your Committee has amended this measure by deleting its contents and inserting language to reestablish the Home Birth Task Force to investigate issues relating to the midwifery regulatory scheme established by Act 32. The investigation shall include but not be limited to the following:

- (1) The accessibility of credentialing compliant with Act 32, to midwives in the State;
- (2) The number of applicants who would qualify or apply for the exemption proposed by the original version of this measure; and
- (3) How the exemption proposed by the original version of this measure would be enforced by the Department of Commerce and Consumer Affairs, Hawaii Home Birth Collective LLC, or other enforcing entity.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2661, as amended herein, and recommends that it pass Second



Reading in the form attached hereto as S.B. No. 2661, S.D. 1, and
be referred to your Committee on Commerce and Consumer Protection.

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



JARRETT KEOHOKALOLE, Chair



**Record of Votes
Committee on Health
HTH**

*Only one measure per Record of Votes