

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on HB2462  
RELATING TO THE VITAL STATISTICS.**

REP. RYAN I. YAMANE, CHAIR  
HOUSE COMMITTEE ON HEALTH

Hearing Date: February 8, 2022

Room Number: Videoconference

1 **Fiscal Implications:** Unspecified general fund appropriation.

2 **Department Testimony:** The Department of Health (DOH)

3 Thank you for the opportunity to testify.

4 **Offered Amendments:** DOH recommends an amendment that explicitly identifies this  
5 document as commemorative in nature only, that is not a legal document, and authorizing the  
6 department to charge a modest fee. Information from other jurisdictions, facilitated by the  
7 National Association for Public Health Statistics and Information Systems, shows that most  
8 states in which certificates of stillbirth are issued do not consider them legal documents. Most  
9 jurisdictions also limit who may request the certificate to the individual parents of the fetus.

10 SECTION 1. Chapter 338, Hawaii Revised Statutes, is  
11 amended by adding a new section to be appropriately designated  
12 and to read as follows:

13 "§338-        **Certificates of stillbirth.**    (a) The department  
14 of health shall issue a certificate of stillbirth to the parent  
15 or parents named on a fetal death certificate issued in the case  
16 of a stillbirth, upon the request of the parent or parents. A

1 certificate may be requested and issued regardless of the date  
2 on which the fetal death certificate was issued. The  
3 certificate shall include the name given to the stillborn fetus,  
4 upon the request of the parent or parents. This certificate  
5 shall not be used as evidence of live birth or for  
6 identification purposes.

7 (b) The certificate of stillbirth is for commemorative  
8 purposes only and shall not be considered a legal document or  
9 certified copy pursuant to section 338-13.

10 (c) The fees for certificates of still birth shall be \$15  
11 for the first copy and \$1 for each copy issue thereafter.  
12 Moneys shall be deposited into the vital statistics improvement  
13 special fund established under section 338-14.6."  
14

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

GLORIA CHANG  
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
**TESTIMONY BY CRAIG K. HIRAI**  
**DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE**  
**TO THE HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES,**  
**& HOMELESSNESS**  
**ON**  
**HOUSE BILL NO. 2462**

**February 8, 2022**  
**9:00 a.m.**  
**Room 329 and Videoconference**

**RELATING TO VITAL STATISTICS**

The Department of Budget and Finance (B&F) offers comments on House Bill (H.B.) No. 2462.

H.B. No. 2462 amends Chapter 338, HRS, to add a new section to require the Department of Health (DOH) to issue a certificate of stillbirth upon request of the parent or parents named on a fetal death certificate in the case of a stillbirth and appropriates an unspecified amount of general funds in FY 23 to DOH to modify both the fetal death reporting system and certificate ordering system and to retain personnel.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and

- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.



To: House Committee on Health, Human Services and Homelessness Chair Yamane and Members  
Date: Tuesday, February 8, 2022 at 9:00AM  
From: Hawaii Democratic Party Women's Caucus  
Subject: HB 2462 Relating to Vital Statistics

Thank you for considering this testimony. We oppose passing this law in its current form. If passed as is the bill would require the Department of Health to issue a certificate of stillbirth, or fetal death certificate. While we are sympathetic to the intent, we are also concerned that this could result in the unintended consequence of granting fetal personhood unless appropriate language is included to assure this does not happen.

We understand HB 2506 is intended to provide comfort to and closure for families who have experienced the trauma of a stillbirth. Allowing their grief to be symbolically recognized through a certificate of stillbirth supports families in their grieving process and helps to destigmatize pregnancy loss.

While we respect and support the intent of HB 2462, we oppose the bill in its current form and request that the bill be amended to ensure this bill promotes the reproductive freedom of all people in Hawai'i and does not have unintended consequences that undermine the right to abortion care. Please include safeguards to ensure nothing in this bill infringes on a person's right to reproductive freedom.

We respectfully propose to add to the bill under Section 1:

“Nothing in this section:

Shall alter a pregnant person's right to abortion, reproductive freedom, or equal protection under the law, or alter or supersede any other provision of law;

May be the basis for a civil cause of action seeking damages or criminal charges against any person or entity for bodily injury, personal injury, or wrongful death for a stillborn;

Except for the right to request a certification of birth resulting in stillbirth, may constitute the basis of any new right, privilege, or entitlement, or abrogate any existing right, privilege, or entitlement.”

Thank you for your consideration,

Amy Monk



Hawai'i House of Representatives  
Committee on Health, Human Services, & Homelessness

*Pō'aluā, Pepeluāli 8, 2022*  
*Lumi 'Aha Kūkā 329*  
*Ke Kapikala Moku'āina*  
415 South Beretānia Street  
Honolulu, Hawai'i. 96813

Re: HB 2462 - Relating to Vital Statistics

*Aloha Luna Ho'omalū Yamane, Hope Luna Ho'omalū Tam, and members of the House Committee on Health, Human Services, & Homelessness:*

The O'ahu Council of the Association of Hawaiian Civic Clubs **SUPPORTS** HB 2462. This bill requires the department of health to issue a certificate of stillbirth, upon request of the parent or parents named on a fetal death certificate issued in the case of a stillbirth and appropriates funds.

For Native Hawaiians, the cycle of life begins from conception on to birth, through life, to death, and beyond. As such, it is culturally important to formally record a life, even in cases of stillbirth. The loss of a baby due to stillbirth remains a sad reality for many families and takes a serious toll on families' health and well-being. A certificate of stillbirth can be a meaningful part of the grieving and healing process. Existing State law only provides for a certificate of fetal death that alone may be a painful reminder of the tragic loss.

In recognition of this need, the Association of Hawaiian Civic Clubs, which O'ahu Council is a member, adopted Resolution 2017-40 at its 58th Annual Convention entitled "Strongly urging the State of Hawai'i Department of Health to issue a certificate of stillbirth in addition to a certificate of fetal death." (see attached). Thus, the O'ahu Council respectfully urges your committee to **PASS** HB 2462.

Ke One O Kākūhihewa-O'ahu Council, is a native Hawaiian organization made up of 24 Hawaiian civic clubs on the island of O'ahu. Our oldest member, Hawaiian Civic Club of Honolulu was established by Prince Jonah Kūhiō Kalaniana'ole on December 7, 1918.

Sincerely,

Benton Kealiikiamoku Pang, President

# ***ASSOCIATION OF HAWAIIAN CIVIC CLUBS***

## ***A RESOLUTION***

No. 2017 - 40

### **STRONGLY URGING THE STATE OF HAWAI'I DEPARTMENT OF HEALTH TO ISSUE A CERTIFICATE OF STILLBIRTH IN ADDITION TO A CERTIFICATE OF FETAL DEATH**

WHEREAS, for Native Hawaiians the cycle of life begins from conception, on to birth, death and beyond; and

WHEREAS, we honor all mothers who have given birth to a child whether they were born live or still; and

WHEREAS, according to the Centers for Disease Control (CDC), in 2013, approximately 24,000 stillbirths were reported in the United States; and

WHEREAS, a stillbirth is the death or loss of a baby before or during delivery and is referred to as a fetal death; and

WHEREAS, in 2012, in the California Law Review it states that "Stillbirth is a devastating obstetric outcome—a reproductive moment that at once combines birth and death," and

WHEREAS, the loss of a baby due to stillbirth remains a sad reality for many families and takes a serious toll on families' health and well-being; and

WHEREAS, the mother carried the baby from conception, endures natural childbirth, has milk in her breasts, leaves the hospital without their child and later deals with the burial of their child; and

WHEREAS, having only a certificate of fetal death is a troubling and oppressive reminder of a woman's failure to produce a healthy, living baby; and

WHEREAS, respect should be shown for both the birth and death of the baby; and

WHEREAS, in Hawai'i, upon the loss of a baby due to stillbirth, parents complete the same forms as others and instead of receiving a birth certificate they are only issued a certificate of fetal death; and

WHEREAS, reporting requirements and completeness of reporting for fetal death data vary substantially among states; and

WHEREAS, according to the M.I.S.S Foundation website ([www.missfoundation.org](http://www.missfoundation.org)), there are currently 34 states in the United States that have passed legislation to issue a certificate of stillbirth which began in 2001 in the State of Arizona; and

WHEREAS, the Chapter 338, Hawai'i Revised Statutes, Relating to Vital Statistics has two sections that refer to fetal deaths and these sections are 338-8, Compulsory registration of deaths and fetal deaths, and 338-9, Filing and preparation of death and fetal death certificates.

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs at its 58<sup>th</sup> Annual Convention in Seattle, Washington, in the malama of 'Ikuwā and the rising of Māhealani, this 4<sup>th</sup> day of November 2017, strongly urging the State of Hawai'i Department of Health to issue a certificate of stillbirth in addition to a certificate of fetal death; and

BE IT FURTHER RESOLVED, that upon request from the mother or father, a certificate of stillbirth shall be issued by the department for any fetal death previously filed with the department; and

BE IT FURTHER RESOLVED, that the fee for issuance shall be the same as the fee for a birth or death certificate issued by the department; and

BE IT FURTHER RESOLVED, that the certificate shall include, but not be limited to, the following: 1) Name of the stillborn child, 2) Date of delivery, 3) County of delivery, 4) Mother's name and birthplace, 5) Father's name and birthplace; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Director of the State of Hawai'i Department of Health, Chair of the Senate Committee on Commerce, Consumer Protection, and Health, Chair of the House Committee on Health & Human Services, as well as the Governor of the State of Hawai'i, President of the State Senate, Speaker of the State House of Representatives, Chair of the State Senate Committee on Hawaiian Affairs, Chair of the State House Committee on Ocean, Marine Resources & Hawaiian Affairs, Chair of the Board of Trustees of the Office of Hawaiian Affairs, and all County Mayors.



The undersigned hereby certifies that the foregoing Resolution was duly adopted in the malama of 'Ikuwā and the rising of Māhealani on the 4<sup>th</sup> day of November 2017, at the 58th Annual Convention of the Association of Hawaiian Civic Clubs in Seattle, Washington.

  
Annette C. Amaral, President

# He lei poina 'ole ke keiki na ka makua.

A beloved child is a lei that will never be forgotten by a parent

Date: February 8, 2022

To: Hawai'i House of Representatives  
Committee on Health, Human Services, & Homelessness  
Lumi 'Aha Kūkā 329  
9am

From: Malia and Victor Nobrega-Olivera and 'ohana  
Hanapēpē, Kaua'i  
[malianob@gmail.com](mailto:malianob@gmail.com)  
also on behalf of Moku o Manokalanipō- Kaua'i Council of the Association of  
Hawaiian Civic Clubs

Re: HB 2462 - Relating to Vital Statistics

Aloha Luna Ho'omalū Yamane, Hope Luna Ho'omalū Tam, and members of the House  
Committee on Health, Human Services, & Homelessness.

I'm writing on behalf of my family from Hanapēpē, Kaua'i.

We **STRONGLY SUPPORT HB 2462** Relating to Vital Statistics. This bill requires the  
department of health to issue a certificate of stillbirth, upon request of the parent or  
parents named on a fetal death certificate issued in the case of a stillbirth and  
appropriates funds.

I gave birth to my beautiful baby girl, a beautiful angel, Ka'ai'ōhelo, on June 8, 2015  
at Kaua'i Veterans Memorial Hospital. My due date was set for July 8, 2015. We were  
so excited for the arrival of our baby. She was my first born and baby grew inside of  
me for 36 weeks and was perfect in every way. We went in for a checkup and after  
the ultrasound the doctor told me that the baby didn't have a heartbeat. I looked at  
my husband and what do we say, what do we do, we were at a loss for words, we just  
lost our baby. So now what?

The next step was giving birth to our baby girl. The hānau (birthing) was an amazing  
process to experience, one that I will never forget and it was beautiful in every way. I  
experienced all the contractions, I did my breathing, my water broke, and she was  
ready to enter into this world. Once baby was born, my husband followed the nurse  
and baby got weighed and measured. He then brought Ka'ai'ōhelo to her mommy  
and I welcomed her with open arms and with tears in my eyes I greeted her with a  
honi and said, "Aloha e Ka'ai'ōhelo."

As we stared at her beauty and looked at each of her features, yes, I took off her hat  
and looked at her hair, I wanted to see her fingers and her toes.

## He lei pōina ‘ole ke keiki na ka makua.

A beloved child is a lei that will never be forgotten by a parent  
I was surprised to have received a memory box from the hospital and I didn't leave the hospital with a baby but with a memory box w/ hand prints, foot prints, a lock of hair, and a few pictures. We now pay it forward and on behalf of baby Ka'ai'ōhelo, our 'ohana donates memory boxes for other parents along with a letter from our

family with the hope that we can provide some comfort and support to them.

I completed all the required paperwork before leaving the hospital including the information for a birth certificate like every other parent would.

We also buried our daughter at the local cemetery next to her grandfather and uncle and were surrounded by family and friends.

Eventually I made my way to the Department of Health to request a copy of the birth certificate and death certificate and to my surprise they only issued me a Certificate of Fetal Death. I was hurt because I knew that I gave birth to my baby and like many other moms and dads I wanted to have a birth certificate and a death certificate.

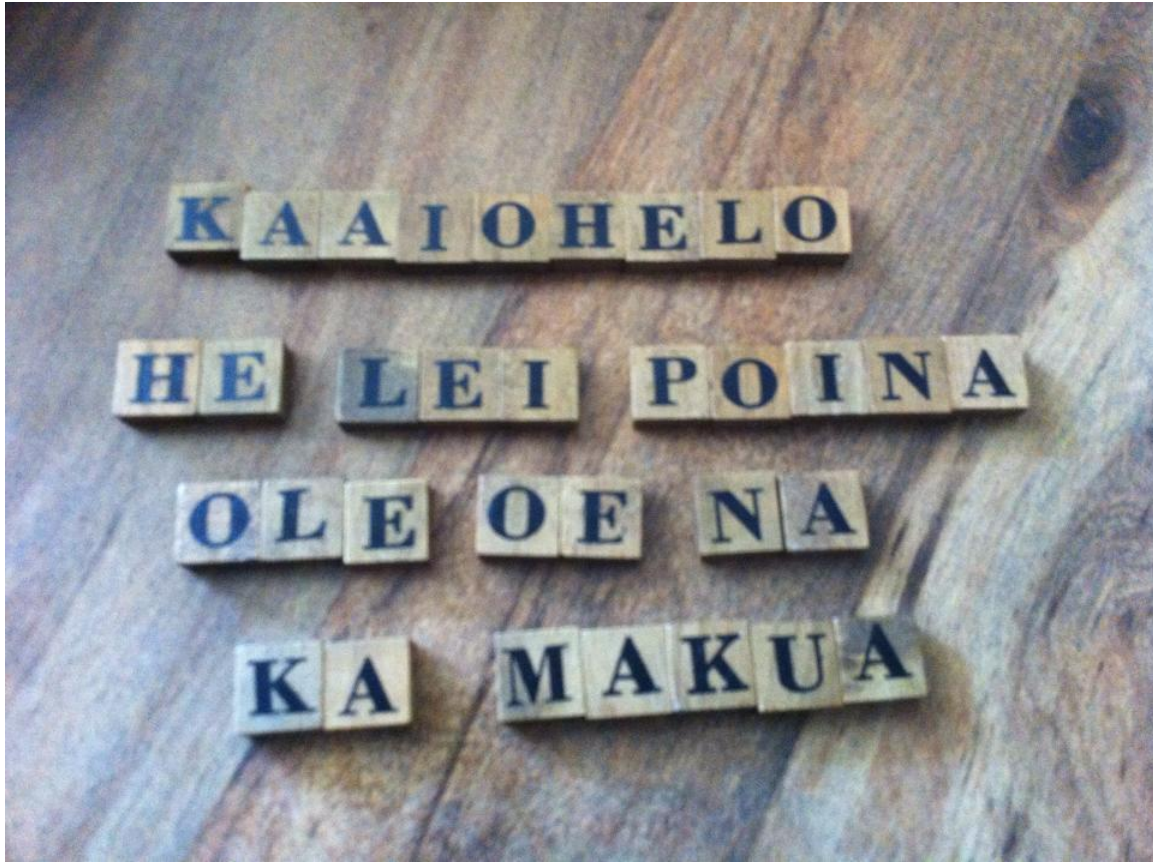
For Native Hawaiians the cycle of life begins from conception, on to birth, death and beyond. We honor all mothers who have given birth to a child whether they were born live or still. The loss of a baby due to stillbirth remains a sad reality for many families and takes a serious toll on families' health and well-being. The mother carried the baby from conception, endures natural childbirth, has milk in her breasts, leaves the hospital without their child and later deals with the burial of their child. It is a troubling and oppressive reminder of a woman's failure to produce a healthy, living baby by having only a certificate of fetal death. Respect and honor should be shown for both the birth and death of the baby.

The Hawaiian civic club movement was founded in 1918 by Congressional Delegate Prince Jonah Kūhiō Kalaniana'ole with the creation of the Hawaiian Civic Club; the Association was formally organized in 1959 and in 1968, the Hawaiian Civic Clubs on the island of Kaua'i organized Moku o Manokalanipō, the Kaua'i Council of the Association of Hawaiian Civic Clubs.

Our family as well as Moku o Manokalanipō- the Kaua'i Council of the Association of Hawaiian Civic Clubs respectfully urges the Committee to **PASS HB 2462**.

**He lei pōina ‘ole ke keiki na ka makua.**

A beloved child is a lei that will never be forgotten by a parent



**HB-2462**

Submitted on: 2/6/2022 5:29:08 PM

Testimony for HHH on 2/8/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Younghi Overly	Individual	Oppose	No

Comments:

Dear Chair Yamane, Vice Chair Tam, and the members of the committee,

I oppose HB2462 which would require the Department of Health to issue a fetal death certificate.

**HB-2462**

Submitted on: 2/4/2022 7:25:09 AM

Testimony for HHH on 2/8/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Leimomi Khan	Individual	Support	No

## Comments:

Fully support this bill. Only parents or grandparents can know the pain of losing a baby; at least affording the opportunity for a parent to have a death certificate brings life to the unborn baby and the genealogy of the family who recognizes this unborn child as an integral part of their life.

Please pass this bill that would require the department of health to issue a certificate of stillbirth, upon request of the parent or parents named on a fetal death certificate issued in the case of a stillbirth.



Submitted online: February 7, 2022

TO: Committee on Health, Human Services & Homelessness  
Rep. Ryan Yamane, Chair  
Rep. Adrian Tam, Vice-Chair

FROM: Eva Andrade, President & CEO, Hawaii Family Forum

RE: Strong Support for HB 2462 Relating to Vital Statistics

Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii. We support this bill that will allow a parent, or parents to request a certificate of stillbirth upon request.

Stillbirth is an event that brings deep pain to parents who were expecting a much different outcome. Weeks, and sometimes months, of planning for the birth of child turns into a time of mourning. The simple act of providing an opportunity for these parents to request this certificate, will go a long way towards healing.

In addition, allowing for stillbirth that happened regardless of the date on which the fetal death certificate was issued, will allow the opportunity for more parents to make a request. Many families in this community have experienced a stillbirth, so this bill will be appreciated by them.

As people of faith, we strongly believe that life begins at the moment of conception. Therefore, when a mother nurtures that life within her womb, a bond forms that can never be broken. Even when life passes, there is a deep desire to enshrine that relationship in a way that will bring healing and peace. In our opinion, this brings honor to both the parents and the child.

We truly appreciate this bill and the appropriations to the Department of Health to ensure that the reporting system will be able to accommodate the requests.

Mahalo for the opportunity to provide testimony in strong support.



Hawai‘i House of Representatives  
Committee on Health, Human Services, & Homelessness

*Pō‘alua, Pepeluali 8, 2022*  
*Lumi ‘Aha Kūkā 329*  
*Ke Kapikala Moku ‘āina*  
415 South Beretānia Street  
Honolulu, Hawai‘i. 96813

Re: HB 2462 - Relating to Vital Statistics

*Aloha Luna Ho‘omalū Yamane, Hope Luna Ho‘omalū Tam, and members of the House  
Committee on Health, Human Services, & Homelessness:*

The Association of Hawaiian Civic Clubs **SUPPORTS** HB 2462. This bill requires the department of health to issue a certificate of stillbirth, upon request of the parent or parents named on a fetal death certificate issued in the case of a stillbirth and appropriates funds.

For Native Hawaiians, the cycle of life begins from conception on to birth, through life, to death, and beyond. As such, it is culturally important to formally record a life, even in cases of stillbirth. The loss of a baby due to stillbirth remains a sad reality for many families and takes a serious toll on families’ health and well-being. A certificate of stillbirth can be a meaningful part of the grieving and healing process. Existing State law only provides for a certificate of fetal death that alone may be a painful reminder of the tragic loss.

In recognition of this need, the Association of Hawaiian Civic Club adopted Resolution 2017-40 at its 58th Annual Convention entitled “Strongly urging the State of Hawai‘i Department of Health to issue a certificate of stillbirth in addition to a certificate of fetal death.” (see attached). Thus, the Association respectfully urges your committee to **PASS HB 2462.**

The civic club movement was founded in 1918 by Congressional Delegate Prince Jonah Kūhiō Kalanianaʻole with the creation of the Hawaiian Civic Club; the Association was formally organized in 1959 and has grown to a confederation of over sixty (60) Hawaiian Civic Clubs located throughout the State of Hawaiʻi and the United States. The Association is the oldest Hawaiian community-based grassroots organization. The Association is governed by a 16-member Board of Directors; advocates for improved welfare of Native Hawaiians in culture, health, economic development, education, social welfare, and nationhood; and perpetuates and preserves language, history, music, dance and other Native Hawaiian cultural traditions.

*Mahalo* for allowing us to share our *mana* ʻo.

*Me ka ʻoia ʻi ʻo,*

Hailama Farden  
*Pelekikena*



Alliance Advocates - Hawai'i

To: Hawai'i House Committee on Health, Human Services, & Homelessness  
Hearing Date/Time: Tuesday, February 8<sup>th</sup>, 2022 at 9 am  
Place: Hawai'i State Capitol, Via Videoconference  
Re: Testimony of Planned Parenthood Alliance Advocates supporting the intent of HB 2462 and requesting an amendment

Dear Chair Yamane and Members of the Committees,

Planned Parenthood Alliance Advocates – Hawai'i ("PPAA") writes in support of the intent of HB 2462, a bill that allows for families to process grief through a symbolic certificate of stillbirth, and requests an amendment to ensure the bill promotes reproductive freedom and does not unintentionally undermine the state's statutory protections of the full range of pregnancy outcomes.

At Planned Parenthood, we strive to destigmatize pregnancy loss and to compassionately validate all families' reproductive health experiences and decisions. A critical part of reproductive justice is supporting the full range of pregnancy outcomes. HB 2462 is intended to provide comfort to and closure for families who have experienced the trauma of a stillbirth. Allowing their grief to be symbolically acknowledged through a certificate of stillbirth supports families in their grieving process and helps destigmatize pregnancy loss.

While we respect and support the intent of HB 2462, we request that the bill be amended to ensure this bill promotes the reproductive freedom of all people in Hawai'i and does not have unintended consequences that undermines the right to abortion care. We appreciate that certificates of stillbirth are optional and commemorative under this legislation, but additional safeguards are necessary to ensure nothing in this bill infringes on a person's right to reproductive freedom. In addition to the amendment below, we also request that these certificates should not be used to calculate any vital record statistics, as this could have the unintended consequence of creating so-called "personhood" for a nonviable fetus.

We recommend adding the following language to the bill under Section 1 to safeguard reproductive health care:

*Nothing in this section:*

1. *Shall alter a pregnant person's right to reproductive freedom, or equal protection under the law, or alter or supersede any other provision of law;*
2. *May be the basis for a civil cause of action seeking damages or criminal charges against any person or entity for bodily injury, personal injury, or wrongful death for a stillborn;*
3. *Except for the right to request a certification of birth resulting in stillbirth, may constitute the basis of any new right, privilege, or entitlement, or abrogate any existing right, privilege, or entitlement.*

Thank you for this opportunity to comment on this legislation.

Sincerely,

Lisa Humes-Schulz  
Vice President of Policy & Regulatory Affairs  
Planned Parenthood Alliance Advocates – Hawai'i

Testimony on HB2462, fetal death certificates

Good morning.

I have concerns about HB2462 as it is currently written. Please amend the bill to include language as proposed by the Democratic Party Women's Caucus and Planned Parenthood. This will help ensure that the law protects the right of all women to control their own reproductive health.

I appreciate what the bill is attempting to do. However, it is equally important that the law clearly states that this does not apply to women who voluntarily terminate their pregnancies through abortion.

Mahalo for your time.

Renee Rabb

Keaau, HI 96749