
A BILL FOR AN ACT

RELATING TO CHAPTER 457J, HAWAII REVISED STATUTES.

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

1 SECTION 1. The legislature finds that Act 32, Session Laws
2 of Hawaii 2019, (Act 32) established a three-year period to
3 allow birth attendants to define and develop common standards,
4 accountability measures, and disclosure requirements, with the
5 intent that at the end of the three-year period the legislature
6 would adopt further legislation to establish a pathway for
7 traditionally-trained, non-certified birth attendants to legally
8 practice in Hawaii.

9 The purpose of this Act is to:

- 10 (1) Permit persons acting as birth attendants on or before
11 July 1, 2025, to practice midwifery without a license;
12 and
13 (2) Include the North American Registry of Midwives
14 portfolio evaluation process as proof of a successful
15 completion of a formal midwifery education and
16 training program for certified professional midwives.



1 SECTION 2. This Act shall be known as "Sovereign's Law" in
 2 honor of a twelve-year-old Native Hawaiian adolescent who
 3 aspires to be a traditionally-trained midwife, to preserve the
 4 practice and legal pathway of traditional midwifery for future
 5 generations in Hawaii.

6 SECTION 3. Section 457J-6, Hawaii Revised Statutes, is
 7 amended by amending subsection (a) to read as follows:

8 "[~~+~~]~~\$~~457J-6[~~+~~] **Exemptions.** (a) A person may practice
 9 midwifery without a license to practice midwifery if the person
 10 is:

- 11 (1) A certified nurse-midwife holding a valid license
 12 under chapter 457;
- 13 (2) Licensed and performing work within the scope of
 14 practice or duties of the person's profession that
 15 overlaps with the practice of midwifery;
- 16 (3) A student midwife who is [~~currently enrolled in a~~
 17 ~~midwifery educational program under the direct~~] under
 18 the supervision of a North American Registry of
 19 Midwives qualified [~~midwife~~] preceptor[~~+~~] or a
 20 Midwifery Education Accreditation Council qualified
 21 preceptor;



- 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 July
5 1, [~~2023,~~] 2025, 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 (ii) That the person's education and
- 2 qualifications have not been reviewed by the
- 3 State;
- 4 (iii) The person's education and training;
- 5 (iv) That the person is not authorized to
- 6 acquire, carry, administer, or direct others
- 7 to administer legend drugs;
- 8 (v) Any judgment, award, disciplinary sanction,
- 9 order, or other determination that adjudges
- 10 or finds that the person has committed
- 11 misconduct or is criminally or civilly
- 12 liable for conduct relating to midwifery by
- 13 a licensing or regulatory authority,
- 14 territory, state, or any other jurisdiction;
- 15 and
- 16 (vi) A plan for transporting the client to the
- 17 nearest hospital if a problem arises during
- 18 the client's care; and
- 19 (D) Maintains a copy of the form required by
- 20 subparagraph (C) for at least ten years and makes



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

3 SECTION 4. Section 457J-8, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[~~+~~]**\$457J-8**[~~+~~] **Application for license as a midwife.** To
6 obtain a license under this chapter, the applicant shall
7 provide:

8 (1) An application for licensure;

9 (2) The required fees;

10 (3) Proof of current, unencumbered certification as a:

11 (A) Certified professional midwife; or

12 (B) Certified midwife;

13 (4) For certified professional midwives[~~, proof~~] either:

14 (A) Proof of a successful completion of a formal

15 midwifery education and training program that is

16 either:

17 [~~(A)~~] (i) An educational program or pathway accredited

18 by the Midwifery Education Accreditation

19 Council; or

20 [~~(B)~~] (ii) A midwifery bridge certificate issued

21 by the North American Registry of Midwives



1 for certified professional midwife
2 applicants who either obtained certification
3 before January 1, 2020, through a non-
4 accredited pathway, or who have maintained
5 licensure in a state that does not require
6 accredited education; or

7 (B) Proof that the person:

8 (i) Has obtained certification through the North
9 American Registry of Midwives portfolio
10 evaluation process;

11 (ii) Holds a midwifery bridge certificate issued
12 by the North American Registry of Midwives
13 for certified professional midwives; and

14 (iii) Has a current cardiopulmonary resuscitation
15 certification for adults and newborns and
16 for neonatal resuscitation;

17 (5) If applicable, evidence of any licenses held or once
18 held in other jurisdictions indicating the status of
19 the license and documenting any disciplinary
20 proceedings pending or taken by any jurisdiction;



- 1 (6) Information regarding any conviction of any crime
2 which has not been annulled or expunged; and
3 (7) Any other information the department may require to
4 investigate the applicant's qualifications for
5 licensure."

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

8 SECTION 6. This Act shall take effect on June 30, 3000.

9



Report Title:

Midwifery; Licensure; Birth Attendants; Exemptions; Training;
Certification

Description:

Exempts birth attendants practicing on or before 7/1/2025 from licensure requirements, under certain conditions. Expands qualifications for licensure to include the North American Registry of Midwives portfolio evaluation process. Effective 6/30/3000. (HD1)

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