
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Section 457J-6, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) A person may practice midwifery without a license to
5 practice midwifery if the person is:

6 (1) A certified nurse-midwife holding a valid license
7 under chapter 457;

8 (2) Licensed and performing work within the scope of
9 practice or duties of the person's profession that
10 overlaps with the practice of midwifery;

11 (3) A student midwife who is currently enrolled in a
12 midwifery educational program under the direct
13 supervision of a qualified midwife preceptor;

14 (4) A person rendering aid in an emergency where no fee
15 for the service is contemplated, charged, or received;

16 [~~or~~]



- 1 (5) A person acting as a birth attendant on or before July
2 1, 2023, who:
- 3 (A) Does not use legend drugs or devices, the use of
4 which requires a license under the laws of the
5 State;
- 6 (B) Does not advertise that the person is a licensed
7 midwife;
- 8 (C) Discloses to each client verbally and in writing
9 on a form adopted by the department, which shall
10 be received and executed by the person under the
11 birth attendant's care at the time care is first
12 initiated:
- 13 (i) That the person does not possess a
14 professional license issued by the State to
15 provide health or maternity care to women or
16 infants;
- 17 (ii) That the person's education and
18 qualifications have not been reviewed by the
19 State;
- 20 (iii) The person's education and training;



- 1 (iv) That the person is not authorized to
- 2 acquire, carry, administer, or direct others
- 3 to administer legend drugs;
- 4 (v) Any judgment, award, disciplinary sanction,
- 5 order, or other determination that adjudges
- 6 or finds that the person has committed
- 7 misconduct or is criminally or civilly
- 8 liable for conduct relating to midwifery by
- 9 a licensing or regulatory authority,
- 10 territory, state, or any other jurisdiction;
- 11 and
- 12 (vi) A plan for transporting the client to the
- 13 nearest hospital if a problem arises during
- 14 the client's care; and
- 15 (D) Maintains a copy of the form required by
- 16 subparagraph (C) for at least ten years and makes
- 17 the form available for inspection upon request by
- 18 the department[-]; or
- 19 (6) A person holding a valid certification as a doula or
- 20 lactation specialist by a nationally recognized
- 21 organization that is approved by the department."



1 2. By amending subsection (c) to read:

2 "(c) Nothing in this chapter shall prohibit a person from
3 administering care to a person's spouse, domestic partner,
4 parent, sibling, ~~[or]~~ child~~[-]~~, or grandchild."

5 SECTION 2. (a) The department of the attorney general
6 shall convene a birth attendant working group that, for the
7 purposes of protecting the health, safety, and welfare of
8 mothers and their newborns, shall establish a regulatory
9 structure for birth attendants, including requirements related
10 to: fees; application process; license issuance; license
11 renewals; grounds for refusal to grant, renew, reinstate, or
12 restore licenses and for revocation, suspension, denial, or
13 condition of licenses; and penalties.

14 (b) The birth attendant working group shall consist of the
15 following members or their designees:

- 16 (1) The attorney general, who shall serve as chairperson;
17 (2) A representative of the professional and vocational
18 licensing division of the department of commerce and
19 consumer affairs, appointed by the director of
20 commerce and consumer affairs;



1 (3) A representative of the regulated industries
2 complaints office of the department of commerce and
3 consumer affairs, appointed by the director of
4 commerce and consumer affairs;

5 (4) A representative of the Med-QUEST division of the
6 department of human services, appointed by the
7 director of human services;

8 (5) Two members of the house of representatives, appointed
9 by the speaker of the house of representatives; and

10 (6) Two members of the senate, appointed by the president
11 of the senate.

12 (c) The chairperson shall invite the following persons to
13 be members of the birth attendant working group:

14 (1) One representative from each of the following
15 organizations:

16 (A) American College of Obstetricians and
17 Gynecologists;

18 (B) Hawaii Association of Health Plans;

19 (C) Hawaii Primary Care Association; and

20 (D) Healthcare Association of Hawaii;



- 1 (2) A person holding a current and valid national
- 2 certification as a certified midwife from the American
- 3 Midwifery Certification Board;
- 4 (3) A person holding a current and valid national
- 5 certification as a certified professional midwife from
- 6 the North American Registry of Midwives;
- 7 (4) A person holding a current and valid license under
- 8 chapter 457, Hawaii Revised Statutes, as an advanced
- 9 practice registered nurse in the area of practice
- 10 specialty of certified nurse-midwife;
- 11 (5) A person who practices or has practiced as a birth
- 12 attendant;
- 13 (6) A person who practices or has practiced as a doula;
- 14 (7) Persons familiar in the following practices:
- 15 (A) Mobile health services;
- 16 (B) Traditional Hawaiian birth practices; and
- 17 (C) Religious birth practices; and
- 18 (8) Other persons as recommended by the working group.
- 19 (d) The birth attendant working group shall submit a
- 20 report of its findings and recommendations, including any



1 proposed legislation, to the legislature no later than twenty
2 days prior to the convening of the regular session of 2025.

3 (e) The birth attendant working group shall be dissolved
4 on June 30, 2025.

5 SECTION 3. (a) The legislative reference bureau shall
6 conduct a study on the regulation of birth attendants, which
7 shall include:

8 (1) A compilation of laws in other states regarding the
9 regulation of birth attendants, including traditional
10 birth attendants and doulas;

11 (2) An examination of the regulatory framework for birth
12 attendants, such as registries, certification, and
13 licensure, used in other states;

14 (3) A literature review of best practices for birth
15 attendants in terms of positive health and safety
16 outcomes for mothers and their newborns; and

17 (4) Any recommendations for the regulation of birth
18 attendants in the State.

19 (b) The legislative reference bureau shall submit a report
20 of its findings and recommendations, including any proposed



1 legislation, to the legislature no later than twenty days prior
2 to the convening of the regular session of 2025.

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Midwives; Midwifery; Doulas; Lactation Specialists;
Grandchildren; Birth Attendant Working Group; LRB; Study;
Reports

Description:

Exempts doulas and lactation specialists holding valid certifications from the midwifery licensure laws. Exempts persons providing care to grandchildren from the midwifery licensure laws. Establishes a Birth Attendant Working Group. Requires the Legislative Reference Bureau to conduct a study on the regulation of birth attendants. Requires reports to be submitted to the Legislature before the Regular Session of 2025. (HD1)

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

