

ACT 153

S.B. NO. 1285

A Bill for an Act Relating to Traditional Hawaiian Healing Practices.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 453-2, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Nothing [herein] in this chapter shall prohibit [traditional Hawaiian] healing practices by traditional [native] Hawaiian healers[;] engaged in traditional Native Hawaiian healing practices, both as recognized and certified as such by [a panel] any kupuna council convened by Papa Ola Lokahi. No person or organization

involved with the selection of ~~[panel members]~~ kupuna council members, the convening of a kupuna council, or the ~~[denial of]~~ certification process of healers under this subsection shall be sued or held liable for any cause of action that may arise out of their participation in the selection, convening, or certification process. Nothing in this chapter shall limit, alter, or otherwise adversely affect any rights of practice of traditional Native Hawaiian healing pursuant to the Constitution of the State of Hawaii.”

SECTION 2. Act 162, Session Laws of Hawaii 1998, section 2 is amended to read as follows:

“For the purposes of this Act:

~~[(1) The term]~~ “Papa Ola Lokahi” shall refer to the same organization that is described and defined in Public Law No. 102-396, the Native Hawaiian Health Care Improvement Act of 1992[;].

~~[(2) The term “traditional native Hawaiian healer” shall have the same meaning as provided under Public Law No. 102-396, the Native Hawaiian Health Care Improvement Act of 1992; and]~~

~~[(3) The term “traditional]~~ “Traditional Hawaiian healing practices” shall refer to la‘au lapa‘au, la‘au kahea, lomi lomi, ho‘oponopono, and similar practices ~~[commonly]~~ historically performed by traditional native Hawaiian healers.”

SECTION 3. Act 162, Session Laws of Hawaii 1998, section 4(a), as amended by Act 304, Session Laws of Hawaii 2001, section 2, is amended to read as follows:

“(a) Papa Ola Lokahi shall convene at least one ~~[panel of traditional native Hawaiian healers]~~ kupuna council to address issues ~~[and recommend legislation]~~ relating to the ~~[permanent]~~ implementation of the purposes of this Act. ~~[A panel]~~ Each kupuna council shall consist of any number of members deemed necessary by Papa Ola Lokahi; provided that at least three [native] Hawaiian persons who are deemed by the Papa Ola Lokahi or a kupuna council to be proficient in the practice of traditional [native] Native Hawaiian healing methods shall be members of any such [panel.] kupuna council. Once [a panel] any kupuna council is established, subsequent members shall be chosen by a majority of the existing [panel] council members sitting on that [panel:] council; provided that if a prospective member claims to be proficient in the practice of traditional [native] Native Hawaiian healing methods, then the approval of a majority of the [native] traditional Hawaiian healers on the [panel] kupuna council shall be required.

Each kupuna council shall:

- (1) Be independent;
- (2) Not be a component of any state branch;
- (3) Not be subject to chapters 91 and 92, Hawaii Revised Statutes; and
- (4) Develop its own policies, procedures, and rules necessary or appropriate to certify traditional Hawaiian healers.”

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

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

(Approved June 23, 2005.)

Note

1. Prior to amendment “SECTION 2.” appeared here.