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# A BILL FOR AN ACT

RELATING TO HEALTH.

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

1           SECTION 1. The legislature finds that individuals have  
2 certain constitutional and statutory rights relating to their  
3 religious or cultural practices and beliefs. One of these  
4 practices relates to the individual's disposition of their  
5 child's placenta ('iewe) following birth.

6           The legislature further finds that state policy must be  
7 amended to allow the department of health to create  
8 administrative rules assuring that these rights are honored and  
9 respected.

10           According to native Hawaiian religious practices, the  
11 correct cleansing and disposal of the 'iewe is critical to the  
12 physical and spiritual health of both the mother and the newborn  
13 child. At present, hospitals are capable of testing the  
14 placenta for infectious diseases prior to its release to the  
15 patient. If the placenta is not infectious or otherwise harmful  
16 to the public, the State has the obligation to assure that  
17 religious and cultural beliefs and practices are not impeded by  
18 a failure to address proper procedures for access.



1 SECTION 2. Section 321-21, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[~~§~~]**321-21**[~~]~~ **Infectious wastes; management and disposal.**

4 The department of health shall adopt rules pursuant to chapter  
5 91 for the management and disposal of infectious wastes  
6 generated by hospitals, clinics, other health care facilities,  
7 doctors' offices, dentists' offices, research laboratories,  
8 veterinary clinics, and other generators of infectious wastes.  
9 Upon negative findings of infection or hazard after appropriate  
10 testing of a placenta, it may be released by the hospital to the  
11 woman from whom it originated or the woman's designated  
12 individual. The rules shall include procedures to assure the  
13 appropriate handling and transfer of the placenta, and a  
14 definition of infectious wastes that clearly and objectively  
15 defines infectious wastes and specifies acceptable containers  
16 and other factors related to the identification, segregation,  
17 containment, and transportation of infectious wastes. Effective  
18 July 1, 1991, all generators of infectious wastes shall show  
19 proof that infectious wastes are being managed and disposed of  
20 according to departmental rules upon request of the department."  
21 SECTION 3. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.



H.B. NO. 2057

**Report Title:**

Non-Infectious Waste; Management

**Description:**

Provides that a placenta may be released by a hospital to the woman from which it originated or a designated individual.

(HB2057 HD1)

HB2057 HD1 HMS 2006-1856

