
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. Certain of these
4 practices relate 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 " ~~[f]~~ **§321-21** ~~[f]~~ **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. The rules shall include
12 procedures to assure the appropriate handling and transfer of
13 the placenta, and a definition of infectious wastes that clearly
14 and objectively defines infectious wastes and specifies
15 acceptable containers and other factors related to the
16 identification, segregation, containment, and transportation of
17 infectious wastes. Effective July 1, 1991, all generators of
18 infectious wastes shall show proof that infectious wastes are
19 being managed and disposed of according to departmental rules
20 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 Statutory material to be repealed is bracketed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.

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SB2137

Report Title:

Non-Infectious Waste; Management

Description:

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

SB HMS 2006-1226

