



NEIL ABERCROMBIE  
GOVERNOR

SHAN S. TSUTSUI  
LT. GOVERNOR

STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

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DIRECTOR

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DEPUTY DIRECTOR

PRESENTATION OF  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE HOUSE COMMITTEE ON  
CONSUMER PROTECTION AND COMMERCE

TWENTY-SEVENTH STATE LEGISLATURE  
REGULAR SESSION, 2014

MONDAY, APRIL 14, 2014  
2:00 P.M.

TESTIMONY ON  
SENATE CONCURRENT RESOLUTION NO. 31 S.D.1  
REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE  
LICENSURE AND REGULATION OF HERBAL THERAPISTS

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,  
AND TO THE HONORABLE DEREK S.K. KAWAKAMI, VICE CHAIR,  
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department")  
appreciates the opportunity to testify on Senate Concurrent Resolution No. 31  
S.D1, Requesting the Auditor to Conduct a Sunrise Review of the Licensure and  
Regulation of Herbal Therapists. My name is Daria Loy-Goto, Complaints and  
Enforcement Officer for the Department's Regulated Industries Complaints Office

("RICO"). RICO offers the following testimony in support of the concurrent resolution.

Senate Concurrent Resolution No. 31 S.D.1 requests a sunrise review by the Auditor on the licensure and regulation of herbal therapists as proposed in Senate Bill No. 195 and Senate Bill No. 2439. RICO supports a sunrise review in accordance with §26H-6, Hawaii Revised Statutes.

RICO notes that Senate Bill No. 195 and Senate Bill No. 2439 appear to create a conflict between the authority of the new Board of Herbal Therapy and the Department's Director and does not contain disciplinary or enforcement language typical in most licensing chapters. RICO believes that the Auditor's sunrise review will address these issues, as needed.

Thank you for this opportunity to testify on Senate Concurrent Resolution No. 31 S.D.1.



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KEALI`I S. LOPEZ  
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR

**PRESENTATION OF THE  
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE HOUSE COMMITTEE ON  
CONSUMER PROTECTION & COMMERCE

TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2014

Monday, April 14, 2014  
2:00 p.m.

**TESTIMONY ON SENATE CONCURRENT RESOLUTION NO. 31, S.D. 1,  
REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE  
LICENSURE AND REGULATION OF HERBAL THERAPISTS.**

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Celia Suzuki, Licensing Administrator for the Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs ("Department"). The Department appreciates the opportunity to provide testimony on S.C.R. No. 31, S.D. 1.

The concurrent resolution requests that the Auditor perform a sunrise analysis pursuant to section 26H-6, Hawaii Revised Statutes ("HRS"), on the licensure and regulation of herbal therapists, as proposed in Senate Bill No. 2439, introduced during

Testimony on Senate Concurrent Resolution No. 31, S.D. 1  
Monday, April 14, 2014  
Page 2

the Regular Session of 2014. The Auditor's analysis would set forth the probable effects of the proposed regulatory measure, assess whether its enactment is consistent with the purposes of section 26H-2, HRS, and assess alternate forms of regulation. Therefore, the Department agrees that the Auditor is to conduct a sunrise review of the licensure and regulation of herbal therapists, before being regulated.

Thank you for the opportunity to provide testimony on S.C.R. No. 31, S.D. 1.

THE HOUSE  
THE TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2014  
CONSUMER PROTECTION AND COMMERCE COMMITTEE

Representative Angus McKelvey, Chair  
Representative Derek Kawakami, Vice Chair

RE: SCR 31, SD1 REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE  
LICENSURE AND REGULATION OF HERBAL THERAPISTS

DATE: Monday, April 14, 2014  
TIME: 2:00 p.m.  
PLACE: Conference Room 016  
State Capitol  
415 South Beretania Street

April 13, 2014

Aloha, my name is Alyce Dodge.

Thank you for hearing this resolution, and including my testimony.

I am testifying as part of the 'A'ali'i Group **in support of Senate Concurrent Resolution 31, SD1** REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE LICENSURE AND REGULATION OF HERBAL THERAPISTS.

The 'A'ali'i Group is made up of students, teachers, parents, healers, nurses, researchers and other professionals, retirees, and diverse members of our community. Our goal is "to restore the standards and usage of Herbal Therapy to its proper place in today's 21st century".<sup>1</sup>

Herbal therapy has been a proven method of healing for thousands of years. Medicinal plants have been known to provide relief without causing side effects as other medicines often do. Herbal Therapy can be effective with some chronic ailments that don't respond well to current accepted treatments. Under the Affordable Care Act, doctors and hospitals will be looking for better outcomes. Herbal Therapy is a way to "support, strengthen, and enhance the science with the art of healing".<sup>1</sup>

There are many people in our community who could benefit from this kind of complementary and alternative care, but who have no access to a knowledgeable, competent Herbalist. You cannot find Herbal Therapy listed in the phone book. There are many who would opt to go to a professional Herbalist, if this choice was covered by their health insurance. We have been told by health insurance companies that they will only cover a licensed Herbal Therapist.

Herbal therapy has helped me, and my family, and friends. Kumu Levon Ohai, an extraordinary teacher and Kahuna La'au Lapa'au, healed many in the community including Native Hawaiians, immigrants, military veterans, the young and the elderly. Ohai had a vision of Hawaii as a worldwide center for wellness and healing. One important facet in making this vision a reality is creating a legal and responsible way for the practitioners serve their community and be compensated as Herbal Therapists. SCR 31, SD1 and the accompanying bill can help provide a path for professional Herbal Therapists. Licensing can protect both the public and the practitioner.

There is a growing worldwide movement for legislating Herbalism and Herbs. The World Health Organization reported in 2005, that 96 out of 120 countries had a national policy in place or pending for Traditional Medicine/Complementary and Alternative Medicine.<sup>2</sup> The numbers are even higher now. Also recently Canada, England, and parts of Europe have enacted laws for licensing, registering, and regulating Herbalists and plants.

Hawaii used to have licensed traditional doctors under the Kingdom of Hawaii; those laws were repealed at the time of the illegal overthrow. In 1919, David Malo Kupihea introduced Act 139 Board of Health to Issue Permits to Qualified Persons to Acknowledge Use of Medicines of Hawaiian Herbs and Plants. Permits for herbal medicine were issued up until statehood, at which time many laws were repealed.<sup>3</sup>

Requesting the Auditor to Conduct a Sunrise Review of the Licensure and Regulation of Herbal Therapists is a good idea; this deserves a close look and investigation. Please support SCR 31, SD1.

Mahalo for your attention and consideration,

Alyce Dodge

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1 quotes from Kumu Levon Ohai

2 from World Health Organization reports (<http://apps.who.int/medicinedocs/en/d/Js7916e/6.2.html>)

3 from Chun, Malcolm Naea, It Might Do Good: The Licensing of Medicinal Kāhuna

food for thought: "When I was young, I admired intelligent people. Now that I am old, I admire kind people." – [Abraham Joshua Heschel](#)

## kawakami3-Benigno

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, April 11, 2014 12:25 PM  
**To:** CPCtestimony  
**Cc:** makanacoha@gmail.com  
**Subject:** Submitted testimony for SCR31 on Apr 14, 2014 14:00PM

### SCR31

Submitted on: 4/11/2014

Testimony for CPC on Apr 14, 2014 14:00PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Rita Chai	Individual	Oppose	No

Comments: Although there are many benefits that might occur with licensing, there are many costs. The state of Hawai'i should not be saying who is or is not qualified to practice la'au lapa'au. This should be something that is done within the community of practitioners. In the original bill introduced two years ago, the proposal was that only people who graduated from UH having taken a particular class would be eligible for licensure. This would exclude the vast majority of practitioners, who may be more qualified than ones who go through UH. Once you set up a licensing system, then people who aren't licensed can no longer practice. This is what happened when lomilomi got put under the Massage Board. Technically, anyone practicing lomilomi without a license could be sued by the state. Even if a UH degree would not be required, there would have to be a test that people would have to take. And the people who write the test, they would probably be like the massage board, political appointees who don't necessarily know anything about la'au lapa'au. Back in the 1920s the Board of Health had a licensing program and only one Hawaiian ever passed the test. Part of that test required the practitioners to know the botanical (Latin) name for the plants, so revered healers such as Luka Kinolau could not pass it as she only knew the Hawaiian names. Similarly, the massage test has nothing to do with lomilomi, it has to do with anatomy and the laws. Many respected lomi kumu such as Kalua Kaiahua tried to take the test and couldn't pass it. For these reasons, I respectfully request that you vote no on this bill. Mahalo.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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THE TWENTY-SEVENTH LEGISLATURE  
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Representative Angus McKelvey, Chair  
Representative Derek Kawakami, Vice Chair

RE: SCR 31, SD1 REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE  
LICENSURE AND REGULATION OF HERBAL THERAPISTS

DATE: Monday, April 14, 2014  
TIME: 2:00 p.m.  
PLACE: Conference Room 016  
State Capitol  
415 South Beretania Street

I am in support SCR 31, SD1 REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW  
OF THE LICENSURE AND REGULATION OF HERBAL THERAPISTS as adopted and amended by  
the CPN Committee on 3/25/2014.

Allopathic medicine and herbal healing can complement each other and enhance  
wellness options.

Multicultural herbal healing is practiced in parens in Hawaii, but without formal licensing,  
standards, and regulation. Basically there are no safety guidelines to protect both the  
client and the practitioner.

Both allopathic medicine and herbal healing wellness alternatives are part of a  
distribution network of services and products that ought to be identifiable, researchable,  
and incorporate an oversight/assessment process.

Growth of herbal therapy can enhance the agriculture sector of our local economy, with  
the propagation and sale of indigenous and endemic and introduced medicinal plants.

Shirley H. Yamada  
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