

Honolulu, Hawaii

, 2019

APR 05

RE: S.B. No. 1033
S.D. 2
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Finance, to which was referred S.B. No. 1033, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE LICENSURE OF MIDWIVES,"

begs leave to report as follows:

The purpose of this measure is to regulate the practice of midwifery. Specifically, this measure:

- (1) Establishes licensure and regulatory requirements under the Department of Commerce and Consumer Affairs;
- (2) Prohibits the practice of midwifery without a license after July 1, 2020;
- (3) Exempts a separate category of birth attendants until July 1, 2023, to allow time to define and develop common standards, accountability measures, and disclosure requirements for birth attendants;
- (4) Repeals the professional and vocational regulatory program for midwives on June 30, 2025; and



- (5) Establishes a home birth task force to investigate issues relating to direct entry midwives and home births.

Several individuals submitted testimony in support of this measure. A Maui County Councilmember, Aoki Birthing Care; Hawai'i Midwifery Council; Birth Believers; Wunderbirth LLC; Hawaii Homebirth Collective; LPD Services; Gentle Beginnings Midwifery; UpCountry Doctor; Hale Ho'olana; and many individuals submitted testimony in opposition to this measure. The Department of Commerce and Consumer Affairs' Professional and Vocational Licensing Division; Department of Commerce and Consumer Affairs' Regulated Industries Complaints Office; Office of Information Practices; Hawai'i State Commission on the Status of Women; Hawaii Women's Coalition; Early Childhood Action Strategy; American Association of University Women of Hawaii; Kapi'olani Medical Center for Women and Children; Hawaii Maternal and Infant Health Collaborative; Hawaii Pacific Health; Midwives Alliance of Hawaii; Breastfeeding Hawaii; American College of Obstetricians and Gynecologists District VIII, Hawaii Section; League of Women Voters; Hawaii Children's Action Network; American Academy of Pediatrics; Democratic Party of Hawai'i Health Committee; Pono Hawai'i Initiative; Young Progressives Demanding Action; and several individuals submitted comments on this measure.

Your Committee has amended this measure by:

- (1) Removing language requiring birth attendants to disclose that their clients will not have recourse through the complaint process for regulated industries;
- (2) Inserting new language clarifying that Certified Professional Midwives must have formal education and training to qualify for licensure;
- (3) Inserting new language establishing civil penalties for violations of licensure requirements and regulations;
- (4) Changing the State general fund appropriation from \$146,000 for each year of the fiscal biennium 2019-2021 to \$146,000 for fiscal year 2019-2020 only;
- (5) Changing the amount appropriated from the Compliance Resolution Fund to implement the licensure of midwives



from \$73,000 for both years of the fiscal biennium to \$146,000 for fiscal year 2019-2020 and \$73,000 for fiscal year 2020-2021; and

- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1033, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1033, S.D. 2, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Finance,



SYLVIA LUKE, Chair



