

# HOUSE OF REPRESENTATIVES

AMENDMENT TO: H.B. No. 1194, H.D. 2

OFFERED BY:

*Queen A. DeLoth*

DATE:

*3/4/2025*

SECTION 1. House Bill No. 1194, H.D. 2, is amended by amending the prefatory language for section 2 of the bill at page 4, lines 11 through 13, to indicate that the section is adding nine rather than eight new sections to chapter 457J, Hawaii Revised Statutes.

SECTION 2. House Bill No. 1194, H.D. 2, is amended by adding an additional new section to chapter 457J, Hawaii Revised Statutes, to be inserted on page 19, line 20, and to read as follows:

"§457J-I Severability. If any provision of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable."

SECTION 3. House Bill No. 1194, H.D. 2, is amended by amending the definition of "certified professional midwife" on page 26, line 20 through page 27, line 9 to read as follows:

- "Certified professional midwife" means a person who:
- (1) Graduated from an accredited educational program or pathway in midwifery, accredited by the Midwifery Education Accreditation Council, or successor organization, and holds a current and valid national certification as a certified professional midwife from the North American Registry of Midwives, or any successor organization[-]; or
  - (2) Received certification through the North American Registry of Midwives' portfolio evaluation process pathway and obtained a midwifery bridge certificate from the North American Registry of Midwives, or any successor organization."

SECTION 4. House Bill No. 1194, H.D. 2, is amended by amending section 8 of the bill, at page 28, line 17 through page 32, line 11 to read as follows:

"SECTION 8. Section 457J-6, Hawaii Revised Statutes, is amended to read as follows:

"~~[+]§457J-6[+]~~ **Exemptions.** (a) ~~[A person may practice midwifery without a license to practice midwifery if the]~~ This chapter shall not apply to a person who is:

- (1) A certified nurse-midwife holding a valid license under chapter 457;
- (2) Licensed and performing work within the scope of practice or duties of the person's profession that overlaps with the practice of midwifery; provided that the person does not use the title "midwife", "licensed midwife", or the abbreviation "L.M.", or any other words, letters, abbreviations, or insignia indicating or implying that the person is a midwife;
- (3) A student ~~[midwife]~~ who is currently enrolled in ~~[a]~~ an accredited midwifery educational program and under the direct supervision of a qualified midwife preceptor;
- ~~[-(4)]~~ ~~A person rendering aid in an emergency where no fee for the service is contemplated, charged, or received;~~  
~~or~~
- ~~[-(5)]~~ (4) A person acting as a birth attendant ~~[on or before July 1, 2023,]~~ who:

- (A) Does not use legend drugs or devices, the use of which requires a license under the laws of the State;
- (B) Does not advertise that the person is a licensed midwife;
- (C) Discloses to each client verbally and in writing on a form adopted by the department, which shall be received and executed by the person under the birth attendant's care at the time care is first initiated:
  - (i) That the person does not possess a professional license issued by the State to provide health or maternity care to women or infants;
  - (ii) That the person's education and qualifications have not been reviewed by the State;
  - (iii) The person's education and training;
  - (iv) That the person is not authorized to acquire, carry, administer, or direct others to administer legend drugs;
  - ~~[(v) Any judgment, award, disciplinary sanction, order, or other determination that adjudges or finds that the person has committed misconduct or is criminally or civilly~~

~~liable for conduct relating to midwifery by  
a licensing or regulatory authority,  
territory, state, or any other  
jurisdiction;]~~ and

~~[(vi)]~~ (v) A plan for transporting the client to the  
nearest hospital if a problem arises during  
the client's care; and

(D) Maintains a copy of the form required by  
subparagraph (C) for at least ten years and makes  
the form available for inspection upon request by  
the department~~[-]~~;

provided that a person having any judgment, award,  
disciplinary sanction, order, or other determination  
that finds that the person has committed misconduct or  
is criminally or civilly liable for conduct relating  
to midwifery by a licensing or regulatory authority,  
territory, state, or any other jurisdiction shall not  
qualify for a birth attendant exemption;

~~[(b)] Nothing in this chapter shall prohibit healing  
practices by traditional Hawaiian healers engaged in traditional  
healing practices of prenatal, maternal, and child care as  
recognized by any council of kupuna convened by Papa Ola Lokahi.  
Nothing in this chapter shall limit, alter, or otherwise  
adversely impact the practice of traditional Native Hawaiian  
healing pursuant to the Constitution of the State of Hawaii.~~

~~(c) Nothing in this chapter shall prohibit a person from administering]~~

- (5) Practicing Native Hawaiian traditional and customary practices as protected under article XII, section 7 of the Hawaii State Constitution;
- (6) Engaged in birth-related practices relating to healing by prayer or spiritual means alone in accordance with the tenets and practices of any well-recognized church or religious denomination; provided that the person shall not claim to practice as a certified midwife, certified professional midwife, or licensed midwife unless licensed pursuant to this part;
- (7) Providing services in the case of emergency or the domestic administration of family remedies; or
- (8) Administering care to [a] the person's spouse, domestic partner, parent, sibling, or child."

SECTION 5. House Bill No. 1194, H.D. 2, is amended by amending page 37, lines 12 through 16 to read as follows:

"(B) A midwifery bridge certificate issued by the North American Registry of Midwives, or successor organization, for certified professional midwife applicants."

SECTION 6. House Bill No. 1194, H.D. 2, is amended by amending section 17 at page 47, line 12, to read as follows:

"SECTION 17. This Act shall take effect on June 29, 3000."

<u>CARRIED</u>	<u>X</u> <u>FAILED TO CARRY</u>	<u>WITHDRAWN</u>
<u><i>W. L. ...</i></u>		
CHIEF CLERK, HOUSE OF REPRESENTATIVES		