

STAND. COM. REP. NO. 1286

Honolulu, Hawaii

MAR 21 2025

RE: H.B. No. 1194
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred H.B. No. 1194, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MIDWIVES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Make laws regulating midwives and the practice of midwifery permanent;
- (2) Clarify the scope of practice of midwifery;
- (3) Establish:
 - (A) Licensure requirements for certified midwives and certified professional midwives; and
 - (B) Continuing education requirements;
- (4) Grant:
 - (A) Global signature authority to midwives; and
 - (B) Prescriptive authority to licensed midwives practicing as certified midwives and amend the list



of approved legend drugs that may be administered by midwives;

- (5) Establish peer review and data submission requirements;
- (6) Affirm that the practice of midwifery does not include Native Hawaiian traditional and customary practices;
- (7) Clarify exemptions from licensure and grounds for refusal to grant, renew, reinstate, or restore licenses or for revocation, suspension, denial, or condition of a license; and
- (8) Clarify medical record availability and retention requirements for the purposes of medical torts.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs; American Academy of Pediatrics, Hawaii Chapter; Healthcare Association of Hawaii; Midwives Alliance of Hawai'i; Hawaii Medical Association; Hawaii Section of the American College of Obstetricians and Gynecologists; Early Childhood Action Strategy; Island Mamas Midwifery; and numerous individuals.

Your Committee received testimony in opposition to this measure from one member of the Kaua'i County Council; Chamber of Sustainable Commerce; Aloha Freedom Coalition; Gentle Beginnings Midwifery; Birth Believers; Hawai'i Home Birth Collective; Pacific Birth Collective; Hawaii AcroFest; Lāhainā Strong; Hawaii Patriot Republicans; Democratic Party of Hawai'i; Hawai'i Midwifery Council; Malama Na Pua o Haumea; Maui Medic Healers Hui; Hale Kealaula, LLC; Aoki Birthing Care; ACLU Hawai'i; and numerous individuals.

Your Committee received comments on this measure from the Department of Health, one member of the Hawai'i County Council, 'Ōhi'a Midwifery & Wellness, Papa Ola Lōkahi, Hawai'i Affiliate of the American College of Nurses-Midwives, North American Registry of Midwives, Mahina Midwives, Ho'oikaika Partnership, and numerous individuals.

Your Committee finds that the nature of the maternity and prenatal services provided by a midwife may endanger the health



and safety of women and newborns under the midwife's care and, therefore, the profession of midwifery should be subject to regulation in the State. Your Committee further finds that the Auditor has conducted multiple sunrise analyses, reported in Auditor's Report Nos. 99-14, 17-01, and 25-03, on the need for regulation of the practice of midwifery, and has persistently affirmed that the practice of midwifery poses a clear and significant potential harm to the health and safety of the public and that the State's policies regarding the regulation of certain types of professions support the continued regulation of the practice of midwifery in the form of full licensure. Your Committee affirms that the practice of midwifery under this measure does not include Native Hawaiian traditional and customary practices and that practicing midwifery according to this measure does not impede one's ability to incorporate or provide cultural practices. This measure establishes a comprehensive, standardized regulatory framework for the practice of midwifery in the State to ensure that birthing parents and children are cared for by qualified, licensed professional midwives with the proper education and credentials.

Your Committee notes the concerns raised in the testimony of the ACLU of Hawai'i that this measure categorically excludes Certified Professional Midwives from obtaining licensure upon completion of the Portfolio Evaluation Process (PEP) certification pathway if certification was obtained after 2020. Your Committee further notes that given the absence of Midwifery Education Accreditation Council accredited schools in the State, which is the only Certified Professional Midwife licensure alternative to the PEP pathway, this measure needs to be amended to allow for the continuation of the PEP pathway for licensure as a Certified Professional Midwife.

Your Committee has amended this measure by:

- (1) Clarifying that the scope of practice of midwifery includes admitting and discharging clients for inpatient care at freestanding birthing facilities licensed in the State, rather than at facilities licensed in the State as birth centers;



- (2) Replacing references to "hospital setting or an accredited birth facility" and "accredited birth facility" with "birth facility";
- (3) Deleting the definition of "accredited birth facility" and inserting language defining "birth facility" to mean a hospital or a freestanding birthing facility licensed in the State;
- (4) Inserting language to establish that state law governing midwives does not apply to a person who is invited by a patient to attend a birth occurring at a location other than at a birth facility where no compensation for the attendance or service is contemplated, charge, or received;
- (5) Deleting language that would have required the midwifery bridge certificate issued by the North American Registry of Midwives used as evidence of one of the qualifications for licensure as a certified professional midwife have been obtained before January 1, 2020; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1194, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1194, H.D. 2, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* HB 1194, HD2	Committee Referral: HHS, CPN/JDC	Date: 3/17/25		
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"><input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____</div>				
The Recommendation is: <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div><input type="checkbox"/> Pass, unamended 2312</div><div><input checked="" type="checkbox"/> Pass, with amendments 2311</div><div><input type="checkbox"/> Hold 2310</div><div><input type="checkbox"/> Recommit 2313</div></div>				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
HASHIMOTO, Troy N.	✓			
KEOHOKALOLE, Jarrett	✓			
FEVELLA, Kurt	✓			
TOTAL	5			
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"><div><input checked="" type="checkbox"/> Adopted</div><div><input type="checkbox"/> Not Adopted</div></div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"></div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>Original File with Committee Report</div><div>Yellow Clerk's Office</div><div>Pink Drafting Agency</div><div>Goldenrod Committee File Copy</div></div>				

***Only one measure per Record of Votes**