

Honolulu, Hawaii

APR 04 2025

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

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

Sir:

Your Committees on Commerce and Consumer Protection and
Judiciary, to which was referred H.B. No. 1194, H.D. 2, S.D. 1,
entitled:

"A BILL FOR AN ACT RELATING TO MIDWIVES,"

beg 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 licensure requirements for certified midwives
and certified professional midwives;
- (4) Establish continuing education requirements;
- (5) Grant global signature authority to midwives;
- (6) Grant prescriptive authority to licensed midwives
practicing as certified midwives and amend the list of
approved legend drugs that may be administered by
midwives;



- (7) Establish peer review and data submission requirements;
- (8) Affirm that the practice of midwifery does not include Native Hawaiian traditional and customary practices;
- (9) 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
- (10) Clarify medical record availability and retention requirements for the purposes of medical torts.

Your Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Hawaii State Commission on the Status of Women, Hawai'i Affiliate of the American College of Nurse-Midwives, Ōhi'a Midwifery & Wellness, National Association of Certified Professional Midwives, and fifteen individuals.

Your Committees received testimony in opposition to this measure from the Chamber of Sustainable Commerce, Aloha Freedom Coalition, Ho'opae Pono Peace Project, Hawaii Patriot Republicans, Hawai'i Midwifery Council, and numerous individuals.

Your Committees received comments on this measure from the Office of Hawaiian Affairs; one member of the Hawaii County Council; Native Hawaiian Legal Corporation; Papa Ola Lokahi; Center for Reproductive Rights; Banyan Birth, LLC; Hawaii Home Birth Collective; Midwives Alliance of Hawai'i; ACLU Hawai'i; American College of Obstetricians and Gynecologists; Hawaii Medical Association; Early Childhood Action Strategy; Aoki Birthing Care; Pono Records; Pacific Birth Collective; Hawaii Chapter of the American Academy of Pediatrics; HULI PAC; Hale Kealaula; Healthcare Association of Hawaii; Zen Den Midwifery; and numerous individuals.

Your Committees find that the practice of midwifery, or the knowledge and skill-based facilitation of childbirth and neonatal care by one other than the person giving birth, is a critically important element of both the western medical industry and various traditional cultural health systems. Your Committees further find that midwifery in the context of modern western medicine is a



practice that necessitates certain legal protections and regulations to ensure that practitioners in the State provide appropriate care while maintaining professional standards based on peer-reviewed best practices within the field, due to the inherently high stakes involved in assisting safe and healthy deliveries of newborns. Accordingly, this measure will establish legal guidelines, licensure and educational requirements, and medical record availability and retention requirements to promote the highest quality and safest practice of midwifery in the State. Your Committees note, however, that amendments to this measure are necessary to provide greater clarification and guidance.

Accordingly, your Committees have amended this measure by:

- (1) Deleting language that would have exempted individuals from licensure requirements so long as they are invited by the patient and provide services without compensation;
- (2) Clarifying that it shall not be a violation for a person invited by a patient to be present at a birth occurring at a location other than a birth facility, provided that the person shall not use the title "midwife", "licensed midwife", or engage in the practice of midwifery, unless licensed pursuant to the requirements of this measure;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1194, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1194, H.D. 2, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committees on Commerce and
Consumer Protection and
Judiciary,



KARL RHOADS, Chair



JARRETT KEOHOKALOLE, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* HB1194 HD2 SD1	Committee Referral: HHS, CPN/JDC	Date: 4/1/25		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
MCKELVEY, Angus L.K.		✓		
RICHARDS, III, Herbert M. "Tim"	✓			
AWA, Brenton			✓	
TOTAL	3	1	1	
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div>				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div> Distribution: 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

The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

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The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)			✓	
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton			✓	
TOTAL	3	—	2	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: x-small;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

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