

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on HB715
RELATING TO VITAL STATISTICS.**

REP. GREGG TAKAYAMA, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: February 5, 2025

Room Number: 329

1 **Fiscal Implications:** Estimated \$150,000 for modification to fetal death reporting system,
2 certificate ordering system, and retraining of personnel.

3 **Department Testimony:** The Department of Health (DOH) offers comments on the merits and
4 practicality of this measure, a cautionary note on unintended consequences, and a lower-cost
5 alternative.

6 General Comments

7 HB715 requires the Department of Health to develop and issue a new vital record certificate
8 called a “Certificate of Birth Resulting in Stillbirth” upon the request of the parent. In essence,
9 this measure creates a new vital record that may conflict with existing statutes. Pursuant to
10 chapter 338-1, Hawaii Revised Statutes, a stillborn is not a live birth and should not have a birth
11 certificate. In instances when a stillbirth occurs nationally and in Hawaii, agencies issue a fetal
12 death certificate in which the fetus can be named and includes all the personal particulars of the
13 parents but in addition includes the cause of the fetal demise.

14 The U.S. Standard of Certificates of Birth, Death, and Fetal Death are mandated by federal law.
15 Much effort and training were expended in the last revision of the national Standard Certificate
16 revision process to differentiate live birth and fetal death. In Hawaii all products of conception
17 require the reporting of either a fetal death or a live birth. The Certificate of Birth Resulting in

1 Stillbirth would be a new vital record but would include information already contained on the
2 fetal death certificate.

3 Unintended Consequences

4 Although DOH acknowledges the emotional pain of a stillbirth, codifying the proposed new vital
5 record may be interpreted as a legal basis that life begins at conception rather than at birth, which
6 conflicts with current Hawaii law. This may create unintended consequences relating to
7 reproductive health and access to abortions.

8 Alternative

9 If a new vital record is authorized by the Legislature, DOH will need to update all the systems
10 and workflow associated with documenting vital events, including training of external
11 stakeholders such as birthing centers, etc. The minimum expense and time required to
12 implement, test, and train is \$150,000 and 1.5 years.

13 A lower-cost alternative is to authorize DOH to issue a commemorative certificate that has no
14 legal standing in return for a modest fee paid by the requestor. This can be accomplished on a
15 normal desktop computer, office printer, and productivity software.

16 Thank you for the opportunity to testify on this bill.

17 **Proposed Amendments:** N/A.



To: Hawai'i House Committee on Health
Hearing Date/Time: Wednesday, February 5 at 9:30 am
Place: Hawai'i State Capitol, Rm. 329 and videoconference
Re: Testimony of Planned Parenthood Alliance Advocates – Hawai'i commenting on SB 715, a bill to issue commemorative stillbirth certificates, and requesting amendments

Dear Chair and Members of the Committee,

Planned Parenthood Alliance Advocates – Hawai'i ("PPAA") writes in support of the intent of HB 2462, a bill that allows for families to process grief through a symbolic certificate of stillbirth and requests an amendment to ensure the bill promotes reproductive freedom.

At Planned Parenthood, we strive to destigmatize pregnancy loss and to compassionately validate all families' reproductive health experiences and decisions. A critical part of reproductive justice is supporting the full range of pregnancy outcomes. HB 715 is intended to provide comfort to and closure for families who have experienced the trauma of a stillbirth. Allowing their grief to be symbolically acknowledged through a certificate of stillbirth supports families in their grieving process and helps destigmatize pregnancy loss.

While we respect and support the intent of HB 715, we request that the bill be amended to ensure this bill promotes the reproductive freedom of all people in Hawai'i and does not have unintended consequences that undermine the right to abortion care. Additional safeguards are necessary to ensure nothing in this bill infringes on a person's right to reproductive freedom, and this amendment is more critical than ever because this data could potentially be shared with the Trump administration and create a risk of investigations and prosecutions of pregnant people in our state. We request that these certificates not be used to calculate any vital record statistics, as this could have the unintended consequence of creating so-called "personhood" for a nonviable fetus and could be shared with the federal government, putting pregnant people at risk in the process.

We recommend adding the following language to the bill under Section 1 to safeguard reproductive health care:

1. *The certificate of stillbirth must contain a title at the top of the certification that reads: "This certificate of stillbirth is not proof of a live birth and is not an identity document."*
 - a. *The Department of Health may not use the information on a certificate of stillbirth for any purpose other than to respond to a request for the certificate from the person who gave birth to the stillborn fetus.*
 - b. *A certificate of stillbirth shall not be used by the state or any agency or subdivision thereof in calculating any vital record statistics.*
2. *Nothing in this section:*
 - . *Shall alter a pregnant person's right to reproductive freedom, or equal protection under the law, or alter or supersede any other provision of law;*

- a. May be the basis for a civil cause of action seeking damages or criminal charges against any person or entity for bodily injury, personal injury, or wrongful death for a stillborn;*
- b. Except for the right to request a certification of birth resulting in stillbirth, may constitute the basis of any new right, privilege, or entitlement, or abrogate any existing right, privilege, or entitlement.*

Thank you for this opportunity to comment on this legislation.



February 5, 2025

TESTIMONY OF THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS
To the House Committee on Health

HB 715 - RELATING TO VITAL STATISTICS

Aloha Chair Takayama, Vice-Chair Keohokapu-Lee Loy, and Members of the Committees:

The Association of Hawaiian Civic Club **supports** HB 715. This bill proposes the establishment of a document recording a stillbirth to be issued upon request in addition to a certificate of fetal death.

For Native Hawaiians, the cycle of life begins from conception on to birth, through life, to death, and beyond. As such, it is culturally important to formally record a life, even in cases of stillbirth. The loss of a baby due to stillbirth remains a sad reality for many families and takes a serious toll on families' health and well-being. A certificate of stillbirth can be a meaningful part of the grieving and healing process. Existing State law only provides for a certificate of fetal death that alone may be a painful reminder of the tragic loss.

Further, the State of Hawai'i is among only three states, including Rhode Island and Nevada, that do not offer either a stillbirth certificate or a certificate of birth resulting in stillbirth.

In recognition of this need, the Association of Hawaiian Civic Club adopted Resolution 2017-40 at its 58th Annual Convention entitled "Strongly urging the State of Hawai'i Department of Health to issue a certificate of stillbirth in addition to a certificate of fetal death." (see attached).

Founded by Prince Kūhiō in 1918, the Hawaiian Civic Club movement is the oldest Native Hawaiian community-based advocacy movement. The Association of Hawaiian Civic Clubs is a not-for-profit organization that is a confederation of 60 individual and autonomous Hawaiian Civic Clubs and 3,500 members located across Hawai'i and across the continental United States.

We appreciate your favorable consideration of this bill.

ASSOCIATION OF HAWAIIAN CIVIC CLUBS

A RESOLUTION

No. 2017 - 40

STRONGLY URGING THE STATE OF HAWAI'I DEPARTMENT OF HEALTH TO ISSUE A CERTIFICATE OF STILLBIRTH IN ADDITION TO A CERTIFICATE OF FETAL DEATH

WHEREAS, for Native Hawaiians the cycle of life begins from conception, on to birth, death and beyond; and

WHEREAS, we honor all mothers who have given birth to a child whether they were born live or still; and

WHEREAS, according to the Centers for Disease Control (CDC), in 2013, approximately 24,000 stillbirths were reported in the United States; and

WHEREAS, a stillbirth is the death or loss of a baby before or during delivery and is referred to as a fetal death; and

WHEREAS, in 2012, in the California Law Review it states that "Stillbirth is a devastating obstetric outcome—a reproductive moment that at once combines birth and death;" and

WHEREAS, the loss of a baby due to stillbirth remains a sad reality for many families and takes a serious toll on families' health and well-being; and

WHEREAS, the mother carried the baby from conception, endures natural childbirth, has milk in her breasts, leaves the hospital without their child and later deals with the burial of their child; and

WHEREAS, having only a certificate of fetal death is a troubling and oppressive reminder of a woman's failure to produce a healthy, living baby; and

WHEREAS, respect should be shown for both the birth and death of the baby; and

WHEREAS, in Hawai'i, upon the loss of a baby due to stillbirth, parents complete the same forms as others and instead of receiving a birth certificate they are only issued a certificate of fetal death; and

WHEREAS, reporting requirements and completeness of reporting for fetal death data vary substantially among states; and

WHEREAS, according to the M.I.S.S Foundation website (www.missfoundation.org), there are currently 34 states in the United States that have passed legislation to issue a certificate of stillbirth which began in 2001 in the State of Arizona; and

WHEREAS, the Chapter 338, Hawai'i Revised Statutes, Relating to Vital Statistics has two sections that refer to fetal deaths and these sections are 338-8, Compulsory registration of deaths and fetal deaths, and 338-9, Filing and preparation of death and fetal death certificates.

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs at its 58th Annual Convention in Seattle, Washington, in the malama of 'Ikuwā and the rising of Māhealani, this 4th day of November 2017, strongly urging the State of Hawai'i Department of Health to issue a certificate of stillbirth in addition to a certificate of fetal death; and

BE IT FURTHER RESOLVED, that upon request from the mother or father, a certificate of stillbirth shall be issued by the department for any fetal death previously filed with the department; and

BE IT FURTHER RESOLVED, that the fee for issuance shall be the same as the fee for a birth or death certificate issued by the department; and

BE IT FURTHER RESOLVED, that the certificate shall include, but not be limited to, the following: 1) Name of the stillborn child, 2) Date of delivery, 3) County of delivery, 4) Mother's name and birthplace, 5) Father's name and birthplace; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Director of the State of Hawai'i Department of Health, Chair of the Senate Committee on Commerce, Consumer Protection, and Health, Chair of the House Committee on Health & Human Services, as well as the Governor of the State of Hawai'i, President of the State Senate, Speaker of the State House of Representatives, Chair of the State Senate Committee on Hawaiian Affairs, Chair of the State House Committee on Ocean, Marine Resources & Hawaiian Affairs, Chair of the Board of Trustees of the Office of Hawaiian Affairs, and all County Mayors.



The undersigned hereby certifies that the foregoing Resolution was duly adopted in the malama of 'Ikuwā and the rising of Māhealani on the 4th day of November 2017, at the 58th Annual Convention of the Association of Hawaiian Civic Clubs in Seattle, Washington.


Annette C. Amaral, President

HB-715

Submitted on: 2/4/2025 7:36:07 PM

Testimony for HLT on 2/5/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dre Kalili	Elizabeth Kahanu Hawaiian Civic Club	Support	Written Testimony Only

Comments:

The members of Elizabeth Kahanu Hawaiian Civic Club Stan in solidarity with the Association of Hawaiian Civic Clubs in strong support of this measure.

Nearly a decade ago the Association adopted a resolution calling for the option of a certificate of stillbirth for parents and families who have suffered this unthinkable loss. Among Native Hawaiians, infant mortality and rates of pregnancy loss are higher than other communities. This record is a meaningful way to acknowledge this life. The loss of a baby due to stillbirth remains a sad reality for many families and takes a serious toll on families' health and well-being.

Practically every other state across the country offers an option of a certificate of stillbirth or a similar certificate of birth resulting in stillbirth. There is no reason the State of Hawai'i cannot provide this record to those who request it.

The Elizabeth Kahanu Hawaiian Civic Club hosts a forum for education, learning, and exchange of information to advance our understanding of government, politics, civic processes, and matters of importance to Hawai'i and the Native Hawaiian community. Among these matters of importance are increased civic engagement, and representation and participation in government by Native Hawaiians.

MOKU O MANOKALANIPO
THE KAUA'I COUNCIL OF THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS

February 5, 2025

HB 715 RELATING TO VITAL STATISTICS

Aloha Chair Takayama, Vice-Chair Keohokapu-Lee Loy, and Members of the Committees:

I'm writing on behalf of Moku o Manokalanipō, The Kaua'i Council of the Association of Hawaiian Civic Clubs which represents the four (4) Hawaiian Civic Clubs based on the island of Kaua'i.

Moku o Manokalanipō **STRONGLY SUPPORTS HB 715** Relating to Vital Statistics. This bill requires the Department of Health to issue a certificate of stillbirth, upon request of the parent or parents named on a fetal death certificate issued in the case of a stillbirth.

Our members actively participate in our annual conventions and in 2017 the Association of Hawaiian Civic Clubs adopted resolution 2017-40, strongly urging the State of Hawai'i Department of Health to issue a certificate of stillbirth in addition to a certificate of fetal death.

For Native Hawaiians the cycle of life begins from conception, on to birth, death and beyond. We honor all mothers who have given birth to a child whether they were born live or still. The loss of a baby due to stillbirth remains a sad reality for many families and takes a serious toll on families' health and well-being. The mother carried the baby from conception, endures natural childbirth, has milk in her breasts, leaves the hospital without their child and later deals with the burial of their child. It is a troubling and oppressive reminder of a woman's failure to produce a healthy, living baby by having only a certificate of fetal death. Respect and honor should be shown for both the birth and death of the baby. Therefore, Moku o Manokalanipō respectfully urges the Committee to PASS HB 715.

The Hawaiian civic club movement was founded in 1918 by Congressional Delegate Prince Jonah Kūhiō Kalaniana'ole with the creation of the Hawaiian Civic Club; the Association was formally organized in 1959 and in 1968, the Hawaiian Civic Clubs on the island of Kaua'i organized Moku o Manokalanipō, the Kaua'i Council of the Association of Hawaiian Civic Clubs.

HB-715

Submitted on: 1/31/2025 4:28:41 PM

Testimony for HLT on 2/5/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in support

He lei poina 'ole ke keiki na ka makua.

A beloved child is a lei that will never be forgotten by a parent

Date: Pepeluali 5, 2025

To: House- Committee on Health

From: Malia and Victor Nobrega-Olivera and 'Ohana
Hanapēpē, Kaua'i
malianob@gmail.com

Re: HB 715 RELATING TO VITAL STATISTICS

Aloha Luna Ho'omalua Gregg Takayama, Hope Luna Ho'omalua Sue Keohokapu-Lee Loy, and members of the House Committee on Health,

I'm writing on behalf of my family from Hanapēpē, Kaua'i.

We **STRONGLY SUPPORT HB 715** Relating to Vital Statistics. This bill requires the Department of Health to issue a certificate of stillbirth, upon request of the parent or parents named on a fetal death certificate issued in the case of a stillbirth.

I gave birth to my beautiful baby girl, Ka'ai'ōhelo, 9 years ago on June 8, 2015 at Kaua'i Veterans Memorial Hospital. My due date was set for July 8, 2015. We were so excited for the arrival of our baby. She was my first born and baby grew inside of me for 36 weeks and was perfect in every way. We went in for a checkup and after the ultrasound the doctor told me that the baby didn't have a heartbeat. I looked at my husband and what do we say, what do we do, we were at a lost for words, we just lost our baby. So now what?

The next step was giving birth to our baby girl. The hānau (birthing) was an amazing process to experience, one that I will never forget and it was beautiful in every way. I experienced all the contractions, I did my breathing, my water broke, and she was ready to enter into this world. Once baby was born, my husband followed the nurse and baby got weighed and measured. He then brought Ka'ai'ōhelo to her mommy and I welcomed her with open arms and with tears in my eyes I greeted her with a honi and said, "Aloha e Ka'ai'ōhelo."

As we stared at her beauty and looked at each of her features, yes, I took off her hat and looked at her hair, I wanted to see her fingers and her toes.

I was surprised to have received a memory box from the hospital and I didn't leave the hospital with a baby but with a memory box w/ hand prints, foot prints, a lock of hair, and a few pictures. We now pay it forward and on behalf of baby Ka'ai'ōhelo, our 'ohana donates memory boxes for other parents.

I completed all the required paperwork before leaving the hospital including the information for a birth certificate like every other parent would.

He lei poina 'ole ke keiki na ka makua.

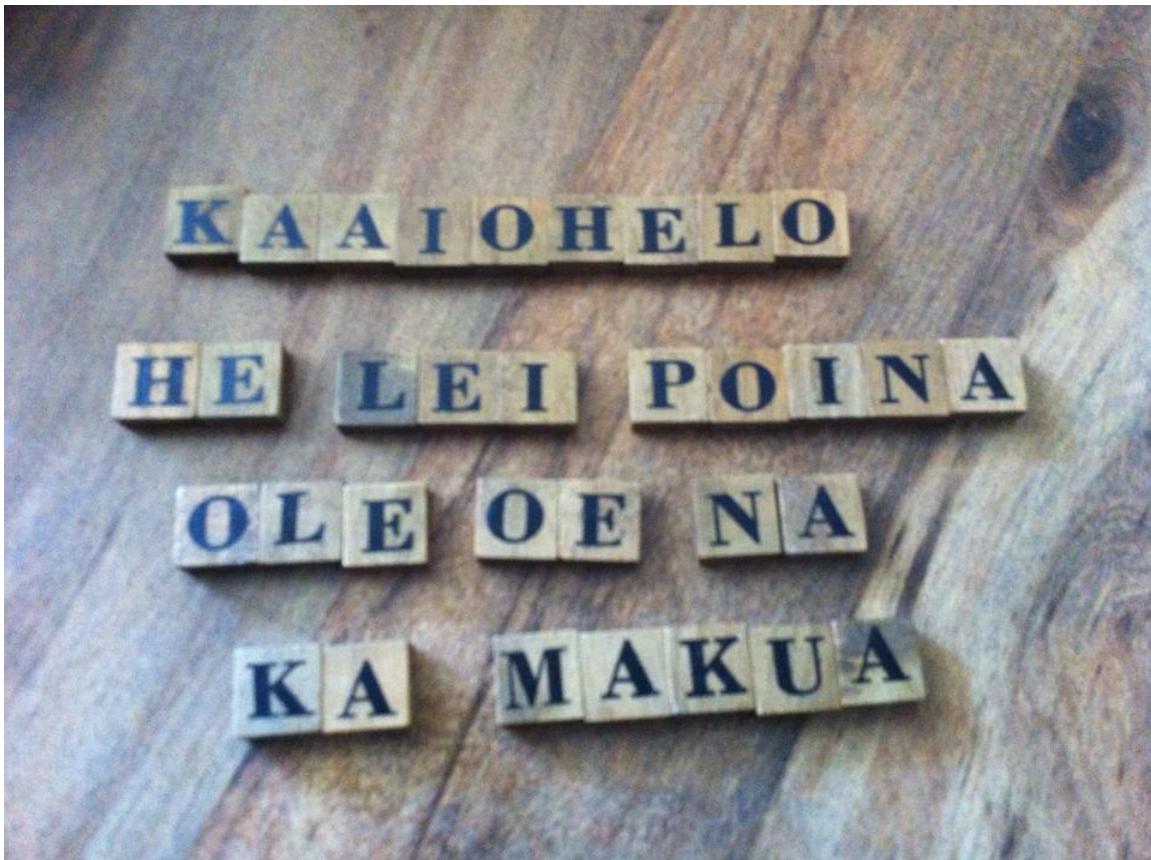
A beloved child is a lei that will never be forgotten by a parent

We also buried our daughter at the local cemetery next to her grandfather and uncle and were surrounded by family and friends.

Eventually I made my way to the Department of Health to request a copy of the birth certificate and death certificate and to my surprise they only issued me a Certificate of Fetal Death. I was hurt because I knew that I gave birth to my baby and like many other moms and dads I wanted to have a birth certificate and a death certificate.

For Native Hawaiians the cycle of life begins from conception, on to birth, death and beyond. We honor all mothers who have given birth to a child whether they were born live or still. The loss of a baby due to stillbirth remains a sad reality for many families and takes a serious toll on families' health and well-being. The mother carried the baby from conception, endures natural childbirth, has milk in her breasts, leaves the hospital without their child and later deals with the burial of their child. It is a troubling and oppressive reminder of a woman's failure to produce a healthy, living baby by having only a certificate of fetal death. Respect and honor should be shown for both the birth and death of the baby.

Our family respectfully urges the Committee to **PASS HB 715**.



ASSOCIATION OF HAWAIIAN CIVIC CLUBS

A RESOLUTION

No. 2017 - 40

STRONGLY URGING THE STATE OF HAWAI'I DEPARTMENT OF HEALTH TO ISSUE A CERTIFICATE OF STILLBIRTH IN ADDITION TO A CERTIFICATE OF FETAL DEATH

WHEREAS, for Native Hawaiians the cycle of life begins from conception, on to birth, death and beyond; and

WHEREAS, we honor all mothers who have given birth to a child whether they were born live or still; and

WHEREAS, according to the Centers for Disease Control (CDC), in 2013, approximately 24,000 stillbirths were reported in the United States; and

WHEREAS, a stillbirth is the death or loss of a baby before or during delivery and is referred to as a fetal death; and

WHEREAS, in 2012, in the California Law Review it states that "Stillbirth is a devastating obstetric outcome—a reproductive moment that at once combines birth and death;" and

WHEREAS, the loss of a baby due to stillbirth remains a sad reality for many families and takes a serious toll on families' health and well-being; and

WHEREAS, the mother carried the baby from conception, endures natural childbirth, has milk in her breasts, leaves the hospital without their child and later deals with the burial of their child; and

WHEREAS, having only a certificate of fetal death is a troubling and oppressive reminder of a woman's failure to produce a healthy, living baby; and

WHEREAS, respect should be shown for both the birth and death of the baby; and

WHEREAS, in Hawai'i, upon the loss of a baby due to stillbirth, parents complete the same forms as others and instead of receiving a birth certificate they are only issued a certificate of fetal death; and

WHEREAS, reporting requirements and completeness of reporting for fetal death data vary substantially among states; and

WHEREAS, according to the M.I.S.S Foundation website (www.missfoundation.org), there are currently 34 states in the United States that have passed legislation to issue a certificate of stillbirth which began in 2001 in the State of Arizona; and

WHEREAS, the Chapter 338, Hawai'i Revised Statutes, Relating to Vital Statistics has two sections that refer to fetal deaths and these sections are 338-8, Compulsory registration of deaths and fetal deaths, and 338-9, Filing and preparation of death and fetal death certificates.

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs at its 58th Annual Convention in Seattle, Washington, in the malama of 'Ikuwā and the rising of Māhealani, this 4th day of November 2017, strongly urging the State of Hawai'i Department of Health to issue a certificate of stillbirth in addition to a certificate of fetal death; and

BE IT FURTHER RESOLVED, that upon request from the mother or father, a certificate of stillbirth shall be issued by the department for any fetal death previously filed with the department; and

BE IT FURTHER RESOLVED, that the fee for issuance shall be the same as the fee for a birth or death certificate issued by the department; and

BE IT FURTHER RESOLVED, that the certificate shall include, but not be limited to, the following: 1) Name of the stillborn child, 2) Date of delivery, 3) County of delivery, 4) Mother's name and birthplace, 5) Father's name and birthplace; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Director of the State of Hawai'i Department of Health, Chair of the Senate Committee on Commerce, Consumer Protection, and Health, Chair of the House Committee on Health & Human Services, as well as the Governor of the State of Hawai'i, President of the State Senate, Speaker of the State House of Representatives, Chair of the State Senate Committee on Hawaiian Affairs, Chair of the State House Committee on Ocean, Marine Resources & Hawaiian Affairs, Chair of the Board of Trustees of the Office of Hawaiian Affairs, and all County Mayors.



The undersigned hereby certifies that the foregoing Resolution was duly adopted in the malama of 'Ikuwā and the rising of Māhealani on the 4th day of November 2017, at the 58th Annual Convention of the Association of Hawaiian Civic Clubs in Seattle, Washington.


Annette C. Amaral, President