

STAND. COM. REP. NO.

1035

Honolulu, Hawaii

MAR 1 - 2019

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

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 1033, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish licensure of midwives;
- (2) Exempt Native Hawaiian healers from licensure requirements;
- (3) Require registration for current practicing midwives by January 1, 2024;
- (4) Provide provisional licensure until full licensure can be obtained; and
- (5) Appropriate funds from the compliance resolution fund.

Your Committees received testimony in support of this measure from Breastfeeding Hawaii, Midwives Alliance of Hawaii, Committee of Midwife Advocates for Certified Midwives of the American College of Nurse-Midwives, AAUW of Hawaii, Hawaii Maternal and Infant Health Collaborative, Hawaii Chapter of American Academy of Pediatrics, and twenty-five individuals. Your Committees received



testimony in opposition to this measure from Wearing and Caring, LLC; Kona Coast La Leche League; UpCountry Doctor; Gentle Beginnings Midwifery; Ho'opae Pono Peace Project; Hale Ho'olana; Aoki Birthing Care; Hawaii Home Birth Collective; Sacred Healing Arts, LLC; Hawaii Holistic Midwifery; Hawaii Midwifery Council; Bia Don Dia Postpartum Services; and two hundred five individuals. Your Committees received comments on this measure from the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs, Department of Commerce and Consumer Affairs, Kapiolani Medical Center, Hawaii Section of the American College of Obstetricians and Gynecologists, Hawaii Affiliate of the American College of Nurse Midwives, Hawaii Pacific Health, Papa Ola Lokahi, and five individuals.

Your Committees find that midwives were regulated in Hawaii from the 1930's until 1998. Your Committees further find that there is growing public concern over non-credentialed and uncertified individuals who promote themselves as midwives and who have been allowed to market and provide midwifery services as a business. Your Committees additionally find that the Auditor has already conducted a sunrise analysis for the licensure of midwives, and noted in Report No. 17-01 that "given our determination that the nature of the services provided by midwives may endanger the public's health and safety, we conclude that the Hawaii Regulatory Licensing Act mandates that the profession of midwifery be regulated."

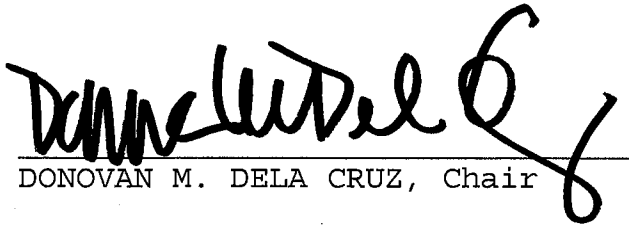
Your Committees have amended this measure by:

- (1) Prohibiting traditional midwives from advertising;
- (2) Providing penalties for violation of registration and licensure requirements; and
- (3) 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 Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1033, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1033, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,

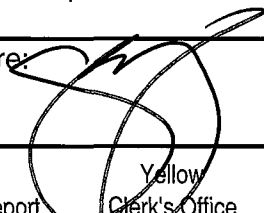

DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i


Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1033, SD1	CPH, JDC / WAM	2/26/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike		✓		
KIM, Donna Mercado	✓			
FEVELLA, Kurt	✓			
TOTAL	4	1	∅	∅
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1033, SD 1	CPH, JDC / WAM	2/26/2019		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	/			
KEITH-AGARAN, Gilbert S.C. (VC)				/
ENGLISH, J. Kalani	/			
HARIMOTO, Breene		/		
INOUYE, Lorraine R.				/
KAHELE, Kaiali'i				/
KANUHA, Dru Mamo	/			
KIDANI, Michelle N.	/			
MORIWAKI, Sharon Y.				
RIVIERE, Gil		/		/
SHIMABUKURO, Maile S.L.		/		
TANIGUCHI, Brian T.	/			
FEVELLA, Kurt	/			
TOTAL	6	3		4
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes