

Resolution

No. 23-28

URGING THE LEGISLATURE TO ENACT A STATUTE PERMANENTLY EXEMPTING BIRTH ATTENDANTS FROM STATE LICENSURE REQUIREMENTS

WHEREAS, under Act 32 (2019), Section 457-J, Hawai'i Revised Statutes, provides an exemption that allows birth attendants to attend births without State licensure, but this exemption will expire on July 1, 2023; and

WHEREAS, if the law expires, traditional and indigenous midwifery practices will be at risk of criminality or, worse, cultural erasure; and

WHEREAS, a birthing person's rights to choose where to give birth and who they want as their preferred birth attendant are integral to providing safety, care, bodily autonomy, and comfort during birth; and

WHEREAS, maternal mortality outcomes are disproportionately high among Black, Filipino, Native Hawaiian, and Pacific Islander birthing people; and

WHEREAS, midwifery is one of the oldest women's rights issues in history, and the traditional birthing practices of all cultures deserve protection; and

WHEREAS, Act 32 (2019) neglected to recognize a category of Certified Professional Midwives, or CPMs, who have been trained and certified using the Portfolio Evaluation Process through the nationally recognized North American Registry of Midwives; and

WHEREAS, the requirements for licensure detailed in Act 32 (2019) are prohibitively difficult for many local families to achieve because there are currently no Midwifery Education Accreditation Council schools in Hawai'i; and

WHEREAS, requiring Midwifery Education Accreditation Council certification for midwifery licensure disproportionately impacts birthing families on Molokai, on Lāna'i, and in Hāna, where families have limited

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access to birth facilities and have depended on their traditionally trained birth attendants for decades; and

WHEREAS, the exemption in Act 32 (2019) for “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” is insufficient to protect traditions of other cultures, such as Native Hawaiian, Filipino, Pacific Islander, Asian, or religious practitioners of any kind; and

WHEREAS, Act 32 (2019) specifically states: “By the end of the three-year period, the legislature intends to enact statutes that will incorporate all birth practitioners and allow them to practice to the fullest extent under the law”; and

WHEREAS, Senate Bill 1047 (2023) and House Bill 955 (2023) would permanently allow birth attendants to practice midwifery without State licensure and free from criminalization; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it urges the Legislature to enact a statute permanently exempting birth attendants from State licensure requirements;
2. That it also urges the Legislature to enact a statute expanding licensure eligibility to include all Certified Professional Midwives, including those who have been certified via the Portfolio Evaluation Process pathway;
3. That it authorizes and encourages the Council Chair to testify on the Council’s behalf in support of Senate Bill 1047 (2023), House Bill 955 (2023), and other bills with the same purpose; and
4. That certified copies of this Resolution be transmitted to the Honorable Josh Green, M.D., Governor, State of Hawai‘i, the Honorable Sylvia Luke, Lieutenant Governor, State of Hawai‘i; the Honorable Scott Saiki, Speaker of the House, and State Representatives, State of Hawai‘i; the Honorable Ronald Kouchi, Senate President, and State Senators, State of

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Hawai'i; Khara Jabola-Carolus, Executive Director, Hawai'i State Commission on the Status of Women; Jessica Crouse, Chair, and Members of the Maui County Committee on the Status of Women; and the Honorable Richard T. Bissen, Jr., Mayor, County of Maui.

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INTRODUCED BY:

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