

Understanding HB 1194 and its Impact on Maternal Health Care Access in Hawai'i

This summary is intended to inform and encourage discussion about the impact of HB 1194 on maternal health access, child abuse prevention, and workforce development.

Highlights: Midwifery Licensure in Hawai'i

- **2019: Hawai'i passed HRS 457J**, which established a licensing system for midwives and created a temporary "**birth attendant**" exemption, allowing certain unlicensed practitioners to continue assisting births.
- **2023: The exemption expired.** Birth attendants without a midwifery license could face penalties.
- **2024:** Native Hawaiian Legal Corporation and Center for Reproductive Rights filed a lawsuit, *Kaho'ohanohano v. Hawai'i*. Court issued a **statewide preliminary injunction**, which prevents the State from enforcing penalties against Native Hawaiian traditional practitioners.
- **2025:** The current law sunsets in June. **HB 1194 and HB 1328 introduced.** HB 1328, which aimed to expand licensure pathways and protect birth attendants, did not advance.

HB 1194 (Currently Moving Forward). **Hearing Scheduled Fri Mar 14, 2025 1pm**

https://www.capitol.hawaii.gov/Session2025/hearingnotices/HEARING_HHS_03-14-25_.PDF

Main Provisions:

- **Continues midwifery licensure** but restricts licensing to Certified Midwives (CMs) and Certified Professional Midwives (CPMs) trained through Midwifery Education Accreditation Council (MEAC)-accredited programs.
- **Does not recognize the North American Registry of Midwives (NARM)'s Portfolio Evaluation Process (PEP) apprenticeship pathway upon successful completion of an exam**, which was previously an alternative training route for midwives. Twenty-seven (27) states and Washington D.C. recognize PEP pathway to midwifery licensure.
- **Exempts Native Hawaiian traditional practitioners** from licensure under Article XII, Section 7 of the Hawai'i Constitution.
- **Requires compliance** with international midwifery standards.

Concerns Raised About HB 1194:

- **Definition of midwifery:** not universally supported, including among Native Hawaiian practitioners.
- **No "birth attendant" exemption:** Traditional and community-based birth attendants including grandparents, aunties, and hānai family could face legal penalties, even when they provide culturally appropriate and safe support.
- **Creates barriers to licensure:** Excludes training pathways (apprenticeship) historically used by Native Hawaiian and locally trained midwives. Access to training is limited without financial assistance or in-state education programs. Aspiring midwives must leave the state or study online, making licensure inaccessible for many, particularly Native Hawaiian and rural practitioners.
- **No financial support for midwifery training:** A midwifery educational program can cost from \$15,000-30,000.00+.
- **Reduced access to midwifery services and birth attendants, especially in rural areas.** Potentially increases risk of unattended births and harm to maternal-child health.