

**LAWSUIT FILED BY CENTER FOR REPRODUCTIVE RIGHTS (DOBBS LITIGATOR) and  
NATIVE HAWAIIAN LEGAL CORPORATION**

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FOR IMMEDIATE RELEASE

CENTER FOR REPRODUCTIVE RIGHTS AND NATIVE HAWAIIAN LEGAL CORP.  
REPRESENT PLAINTIFFS IMPACTED BY HAWAII'S OVERARCHING MIDWIFERY LAW.

**EVENTS TO PROTECT REPRODUCTIVE RIGHTS IN HOME BIRTH**

**WHAT:** Two events this week for reproductive justice in home birth:

1. Press Conference, dads deliver lawsuit to legislators
2. Rally at Capitol

**WHEN:**

**Thursday February 29:**

**9 AM Press Conference** at Queen Lili'uokalani Statue, followed by a short **peaceful action** led by the home birth fathers and other men, along with elders and children, in support of the right to choose home birth.

**Friday, March 1st:**

**11 AM Rally** for the right to choose traditional home birth. 1 hour in length, followed by a **peaceful visibility action** at 12:00-12:30.

The **Center for Reproductive Rights(CRR)**, a global reproductive rights organization, and [\*\*Native Hawaiian Legal Corporation \(NHLC\)\*\*](#), a Hawaii-based public interest law firm dedicated to Native Hawaiian rights have teamed up to defend pregnant people and midwives from threats to their reproductive autonomy and cultural traditions posed by Hawaii's Midwifery Restriction Law, HRS 457J. The Center for Reproductive Rights, the same legal organization that represented abortion providers in the *Dobbs v. Jackson Women's Health Organization* case, is a leader in the reproductive rights field and has been involved in every major U.S. Supreme Court case on abortion rights over the last three decades. The Native Hawaiian Legal Corporation represents Native Hawaiian cultural practitioners, families, and communities in legal matters that

impact their rights and has protected and advanced Native Hawaiian identity and culture for nearly half a century.

Reproductive autonomy includes the right to make decisions about whether and when to carry a pregnancy, as well as decisions about where, how, and with whom a person will birth and seek pregnancy-related care. Because decisions about pregnancy and birth are culturally significant for many people, reproductive rights and cultural rights are both threatened by Hawaii's Midwifery Restriction Law. The Midwifery Restriction Law is preventing pregnant people from receiving pregnancy and birth care from skilled midwives—even while Hawai'i is experiencing a devastating crisis in maternal health. The plaintiffs are going to court to ensure that every pregnant person in Hawai'i has the right to make their own decisions about their pregnancy and birth experiences.

By creating the Midwifery Restriction Law, the Hawaii legislature reduced access to maternal care and prohibited skilled midwives, doulas, lactation consultants, childbirth educators, and even grandmothers from providing care and information to pregnant people. Most legislators have failed to acknowledge the harm they have caused and have not advanced solutions. Several bills have been introduced to attempt to resolve the issues, [HB2649/ SB2969](#)) and short form bill [HB407](#), but none of those bills survived the First Lateral Filing Deadline on February 16th.

The last option for a legislative solution this session is a carryover bill from last year: [HB955](#). This bill already passed through the Health committee and Consumer Protection Committee with many in support in the legislature. However, it did not get scheduled by Fiance Chair Kyle Yamashita despite overwhelming community support, even though it is a non fiscal bill. The community is asking for this bill to be..... scheduled for a floor hearing before March 7th and to be passed over to the Senate for consideration. With some additional amendments, HB 955 would address many of the constitutional and human rights violations that the state is now being sued over.

A summary of [the lawsuit](#):

- The Center for Reproductive Rights, the Native Hawaiian Legal Corporation, and the law firm Perkins Coie, LLP are suing Hawaii in state court to block the threat of criminal and civil penalties imposed by the Midwifery Restriction Law. They are also asking the Court to block the part of the law that makes apprenticeship trained Certified Professional Midwives (CPMs) ineligible for licensure after the law's 2020 cut off date.

- The Midwifery Restriction Law was enacted in 2019 and has significantly restricted who can provide information and care to people who are pregnant, birthing, or postpartum. It defines midwifery broadly, imposes new licensure requirements on midwives, and criminalizes activities commonly performed by traditional midwives, midwifery students, other birth workers, and even family members and loved ones.
- The lawsuit is brought on behalf of nine plaintiffs, including licensed and unlicensed midwives, student midwives learning through apprenticeships, and people who are pregnant or wish to grow their families and now have fewer choices for care because of the Midwifery Restriction Law.
- The lawsuit alleges that the Midwifery Restriction Law violates the Hawai'i Constitution because it violates individual's rights to reproductive autonomy, violates the state's duty to protect Native Hawaiian traditional and customary practices, and is overbroad.

HRS 457 J criminalizes midwifery care that families with restricted access already rely on.

Community advocates have called HRS 457J “dangerous and discriminatory,” citing multiple barriers to licensure, including the extreme inaccessibility of MEAC- accredited midwifery schools for residents of Hawai'i. [Whitney Herrelson](#), a licensed midwife from Maui explains, “During my training, there weren't enough preceptors on Maui, and so I had to travel to the continent for the majority of my clinical rotations. This tacked on thousands to my already expensive degree.”

Many of the midwives now criminalized by HRS 475 J served communities with limited access to healthcare. Licensed Midwife Tara Compehos, on Hawaii Island, describes the lack of access to care in the Puna area:

“There are really only 2 licensed midwives who are licensed under HRS 457J and currently practicing within 75 miles of Puna. I used to partner with a traditional birth attendant who is a deeply entrenched member of the Puna community, with a great deal of cultural competency and very skilled. But in 2020 she stopped practicing because the CPM model of care wasn't culturally congruent to her or her community. Mostly she felt she couldn't risk criminalization.”

In the months following the devastating fires in Lahaina, pregnant women turned to community Resilience hubs for information and care, and were often supported with skill and compassion by [traditional practitioners](#). Many of those practitioners are affected by the midwifery licensure

law. Cochran worked alongside these practitioners through months of relief efforts, and heard many urgent requests from her community to end the criminalization of traditional midwifery.

Rep. Cochran shares, “If it weren’t for these traditional practitioners on the ground, it’s disturbing to think of the detrimental effects for the mothers who had nowhere to turn and who already were traumatized by the fire. They were trapped, couldn’t get access to a medical facility – and to think that the care provided by these practitioners in the community would be technically illegal under the current law! It’s unacceptable.”

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Resource page: [Pacific Birth Collective - Midwifery Advocacy](#)

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