

Short Ballot Title

An initiative to remove the penalty for the practice of midwifery without a license.

Long Ballot Title

An initiative related to midwifery; amending Title 54, Section 2 removing the penalty for the practice of midwifery without a license.

Text of Initiative

SECTION 1. That Section 54-5501, Idaho Code, be, and the same is hereby amended to read as follows:

54-5501.LEGISLATIVE PURPOSE AND INTENT. The legislature finds and declares that the practice of midwifery has been a part of the culture and tradition of Idaho since before pioneer days and that for personal, religious and economic reasons some Idaho citizens choose midwifery care. The purpose of this chapter is to preserve the rights of families to deliver their children in a setting of their choice, to provide additional maternity care options for Idaho's families, to protect the public health, safety and welfare and to provide a mechanism to assure quality care. It is the intent of the people of Idaho that nothing in this chapter shall require a license for the practice of midwifery in this state. The voluntary licensure provisions of this chapter are intended to enhance maternity care options for Idaho's families and to provide a mechanism for validating the qualifications of midwives who seek licensure.

SECTION 2. That Section 54-5506, Idaho Code, be, and the same is hereby amended to read as follows:

54-5506. LICENSURE -- PENALTY. (1) The board shall grant a license to any person who submits a completed application, pays the required license fee as established by the board and meets the qualifications set forth in section 54-5407 [sic], Idaho Code.

(2) All licenses issued under this chapter shall be for a term of one (1) year and shall expire on the birthday of the licensee unless renewed in the manner prescribed by rule. Except as set forth in this chapter, rules governing procedures and conditions for license renewal and reinstatement shall be in accordance with section 67-2614, Idaho Code.

(3) It is a misdemeanor for any person to assume or use the title or designation "licensed midwife," "L.M." or any other title, designation, words, letters, abbreviations, sign, card or device to indicate to the public that such person is licensed to practice midwifery pursuant to this chapter unless such person is so licensed. Any person who pleads guilty to or is found guilty of a second or subsequent offense under this subsection (3) shall be guilty of a felony.

~~(4) Except as provided in section 54-5408 [sic], Idaho Code, on and after July 1, 2010, it shall be a misdemeanor for any person to engage in the practice of midwifery without a license. Any person who pleads guilty to or is found guilty of a second or subsequent offense under this subsection (4) shall be guilty of a felony.~~

SECTION 3. SEVERABILITY. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.