

**ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE**

February 7, 2024

3:17 p.m.

MEMBERS PRESENT

Representative Jesse Sumner, Chair
Representative Justin Ruffridge, Vice Chair
Representative Mike Prax
Representative Zack Fields

MEMBERS ABSENT

Representative Dan Saddler
Representative Stanley Wright
Representative Ashley Carrick

COMMITTEE CALENDAR

SENATE BILL NO. 37

"An Act establishing the crime of airbag fraud."

- HEARD & HELD

EXECUTIVE ORDER 129 - ELIMINATING THE BOARD OF BARBERS AND
HAIRDRESSERS

CONSIDERED

EXECUTIVE ORDER 130 - ELIMINATING THE BOARD OF CERTIFIED DIRECT
ENTRY MIDWIVES

CONSIDERED

EXECUTIVE ORDER 127 - ELIMINATING THE BOARD OF MASSAGE
THERAPISTS

CONSIDERED

PREVIOUS COMMITTEE ACTION

BILL: SB 37

SHORT TITLE: CRIME COUNTERFEIT/NONFUNCTIONING AIRBAG

SPONSOR(S): SENATOR(S) CLAMAN

01/18/23 (S) PREFILE RELEASED 1/13/23

01/18/23 (S) READ THE FIRST TIME - REFERRALS
 01/18/23 (S) JUD
 01/27/23 (S) JUD AT 1:30 PM BUTROVICH 205
 01/27/23 (S) Heard & Held
 01/27/23 (S) MINUTE(JUD)
 03/22/23 (S) JUD AT 1:30 PM BUTROVICH 205
 03/22/23 (S) <Bill Hearing Canceled>
 03/29/23 (S) JUD AT 1:30 PM BUTROVICH 205
 03/29/23 (S) <Bill Hearing Canceled>
 04/03/23 (S) JUD AT 1:30 PM BUTROVICH 205
 04/03/23 (S) Moved SB 37 Out of Committee
 04/03/23 (S) MINUTE(JUD)
 04/05/23 (S) JUD RPT 1DP 3NR
 04/05/23 (S) DP: CLAMAN
 04/05/23 (S) NR: TOBIN, KAUFMAN, KIEHL
 05/08/23 (S) TRANSMITTED TO (H)
 05/08/23 (S) VERSION: SB 37
 05/09/23 (H) READ THE FIRST TIME - REFERRALS
 05/09/23 (H) L&C
 01/26/24 (H) L&C AT 3:15 PM BARNES 124
 01/26/24 (H) -- MEETING CANCELED --
 01/31/24 (H) L&C AT 3:15 PM BARNES 124
 01/31/24 (H) Scheduled but Not Heard
 02/02/24 (H) L&C AT 3:15 PM BARNES 124
 02/02/24 (H) Scheduled but Not Heard
 02/07/24 (H) L&C AT 3:15 PM BARNES 124

WITNESS REGISTER

SENATOR MATT CLAMAN
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Presented SB 37 as prime sponsor.

CARLY DENNIS, Staff
 Senator Matt Claman
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Read the sectional analysis for SB 37 on behalf of Senator Claman, prime sponsor.

CRAIG ORLAN, State Relations Specialist
 American Honda Motor Co.
 Torrance, California

POSITION STATEMENT: Provided invited testimony in support of SB 37.

SEAN MILLS, Counsel
House Majority
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided an overview of EO 129.

SARA CHAMBERS, Boards and Regulations Advisor
Department of Commerce, Community & Economic Development
Juneau, Alaska

POSITION STATEMENT: Presented Executive Orders 127, 129, and 130.

WENDY PALIN, representing self
Palmer, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 129.

GLORIA BAMBERG-MERRITT, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 129.

MAE CANADY, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 129.

VOLKER HRUBY, President
Alaska Chapter
American Massage Therapy Association
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 127.

SHANTI TREVELYAN, representing self
Eagle River, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 127.

TRACY GILMORE, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 127.

MARY ANAGAWA, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

JENNIFER JOZWIAK, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

HANNAH ST. GEORGE, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

BETHANY KIRILLOV, representing self
Matanuska-Susitna, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

LAURA LEMONS, representing self
Matanuska-Susitna, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

STACEY LOWE, representing self
Matanuska-Susitna, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

DENI OREN, representing self
Soldotna, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

MELANIE OVERMAN, representing self
Kenai, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

EMILY HEALE, representing self
Kenai, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

JENNIFER REDDING, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

MIRANDA BOWER, representing self
Palmer, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

RACHEL PUGH, representing self
Eagle River, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

CHRISTIAN LOWE, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

KAYLEE PRESLEY, representing self
Kenai, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

CHELSEA HAPONSKI, representing self
Ketchikan, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

MAX RONEY, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

JESSICA JOHNSTON, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

MORGAN TURNER, President
Alaska Birth Collective
Eagle River, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

KATE TIMMONS, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

KAREN PERRY, representing self
Chugiak, Alaska

POSITION STATEMENT: Testified in opposition to EO 130.

DOMINIKA BUCK, representing self
Palmer, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

KATE PARKS, Owner
AbleMidwife LLC
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

CYNTHIA EARLEY, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

ONICA SPROKKREEFF, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

EVIE OPHEIM, representing self
Palmer, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

LYNDSEY WARD, representing self
None given

POSITION STATEMENT: Testified in opposition to Executive Order 130.

JESSICA DACHOWSKI, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

ELEANOR OSSLER, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to Executive Order 130.

ACTION NARRATIVE

[3:17:18 PM](#)

CHAIR JESSE SUMNER called the House Labor and Commerce Standing Committee meeting to order at 3:17 p.m. Representatives Prax, Fields, Ruffridge, and Sumner were present at the call to order.

^#sb37

SB 37-CRIME COUNTERFEIT/NONFUNCTIONING AIRBAG

[3:17:48 PM](#)

CHAIR SUMNER announced that the first order of business would be SENATE BILL NO. 37, "An Act establishing the crime of airbag fraud."

[3:18:16 PM](#)

SENATOR MATT CLAMAN, Alaska State Legislature, as prime sponsor, presented SB 37. He read the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

Senate Bill 37 establishes the crime of airbag fraud for knowingly selling, installing, or manufacturing a counterfeit or nonfunctioning airbag. Counterfeit airbags are highly dangerous as they can be left empty or filled with sawdust and newspaper and may improperly deploy or not deploy at all. Currently in Alaska, there is no law to prohibit the installation or reinstallation of airbags that do not meet federal safety standards. By establishing airbag fraud, Senate Bill 37 prohibits dangerous actors from knowingly selling, installing, or manufacturing these dangerous and improper devices.

Similar legislation already exists in 30 states. For example, the Michigan Penal Code establishes airbag fraud as a felony punishable by four years of imprisonment or a fine of \$10,000.00. Michigan defines airbag fraud as knowingly and intentionally importing, manufacturing, offering for sale, distributing, installing, or reinstalling counterfeit or nonfunctioning airbag.

In October 2021, the non-profit corporation Automotive Anti-Counterfeiting Council (A2C2) called on eBay to prohibit the sale of all airbags after counterfeit

airbags and related components were shown to be consistently available for sale on the site.

Senate Bill 37 creates criminal liability for the crime of airbag fraud. It protects owners and employees of motor vehicle dealerships if they are unaware of counterfeit parts in a vehicle. It does not create a duty for owners and employees to inspect a vehicle for counterfeit parts before selling it.

[3:21:45 PM](#)

CARLY DENNIS, Staff, Senator Matt Claman, Alaska State Legislature, on behalf of Senator Claman, prime sponsor, read the sectional analysis [included in the committee packet], which reads as follows [original punctuation provided]:

Section 1

AS 28.35.248. Airbag fraud

Establishes and defines airbag fraud as knowingly selling, offering for sale, installing, reinstalling, or manufacturing a counterfeit or nonfunctioning airbag or device that is intended to conceal a counterfeit or nonfunctioning airbag, or intentionally selling, leasing or trading a vehicle that the person knows has a counterfeit or nonfunctioning airbag.

Establishes airbag fraud as a class A misdemeanor or a class C felony if death or serious physical injury to another person occurs as a result of the counterfeit or nonfunctioning airbag.

Establishes that the liability of any party in a civil action is not precluded. Provides that this legislation does not create a duty to inspect a vehicle for a counterfeit or nonfunctioning airbag before its sale.

[3:23:07 PM](#)

CRAIG ORLAN, State Relations Specialist, American Honda Motor Co., shared that typically, when people think of counterfeit goods, they don't think about the automotive industry; over the past several years, there have been foreign and domestic counterfeiters flooding the market with ineffective and cheap airbags. He explained that the airbags are usually filled with newspaper and Styrofoam, or are empty, and have resulted in

deaths across the country. He pointed out that this is not an issue with the automotive supply chain, as these replacement airbags are being bought over the Internet by unscrupulous repair shops and installed in unknowing customers' cars after a car crash. He said Alaska has some consumer protection laws that would help in prosecuting repair shops that install faulty airbags, but many prosecutors aren't confident that they have the authority. Further, existing laws do not address the faulty airbag manufacturers. This legislation would make knowingly trafficking counterfeit and non-functioning airbags a crime, which would do several things: allow people to prosecute repair shops who do this, allow the targeting of actors who are trafficking the airbags; promote state and federal cooperation to keep the products out of customers' cars; and give law enforcement more leverage over bad actors to get information about other victims of airbag fraud. He relayed several examples of people arrested who were connected to the underground counterfeit market in the U.S.

[3:26:34 PM](#)

CHAIR SUMNER asked Senator Claman if he thinks Section 1 (3)(b) should be excluded.

SENATOR CLAMAN answered that the intent is making it so selling a parts car would not be liable towards the misdemeanor proposed in the bill. He said people need to make a distinction as to whether a car was re-constructed.

[3:29:19 PM](#)

REPRESENTATIVE FIELDS referred to page 6, line 1, about repair shops and the shops buying faulty airbags.

SENATOR CLAMAN deferred the question to Mr. Orlin

[3:30:10 PM](#)

MR. ORLIN said that the bill is similar to other state laws. He explained that airbag replacement is not a "do-it-yourself" job.

REPRESENTATIVE FIELDS asked where the airbags are being made.

MR. ORLIN responded that 95 percent are from China; many are buying airbag covers without logos and then adding them on in the states.

[3:31:59 PM](#)

CHAIR SUMNER announced that SB 37 was held over.

**EXECUTIVE ORDER 129 - ELIMINATING THE BOARD OF BARBERS AND
HAIRDRESSERS**

[3:32:10 PM](#)

CHAIR SUMNER announced that the next order of business would be Executive Order 129.

[3:32:31 PM](#)

SEAN MILLS, Counsel, House Majority, Alaska State Legislature, provided an overview of Executive Order (EO) 129.

[3:33:41 PM](#)

REPRESENTATIVE FIELDS asked how much that would add to costs.

[3:34:24 PM](#)

SARA CHAMBERS, Boards and Regulations Advisor, Department of Commerce, Community & Economic Development (DCCED), advised that her comments cover all three of the orders before the committee today. In addressing Representative Field's question about costs, she noted that statements on cost, which were provided to the committee, show that there is no expected increase in costs for EO 129. She stated that the three executive orders seek to shift regulatory decision making from an appointed board to management under the DCCED to provide efficiency. She explained that the orders will eliminate each quasi-judicial board overseeing barbers and hairdressers, certified direct entry midwives, and massage therapists and move the decision-making authority to the department; under current delegation of the commissioner, the authority then would be with the director of the Division of Corporations, Business, and Professional Licensing. She said the change would reduce timeframes for license application review, ensure swift action when challenges with public safety arise, and reduce wait times in adopting regulations. She stressed that the orders are not condemnations of the board's work, they reflect concerns about how well the existing structures serve the state as well as opportunities for improvement.

[3:36:51 PM](#)

MS. CHAMBERS outlined possible delays involved with the board system, which affect the board's ability to function and the ability for professionals to get licensed. She said the wait time for approving regulations as a board, rather than through the department, doubles the wait time. She pointed out that a staff restructuring that started in 2022, and was within the 2023 adopted budget, provided for 17 new positions. She noted that, with board management, there are also delays in disciplinary matters; shifting the responsibility to the department will allow investigators to seek input on practice matters from a qualified practitioner only when scope of practice is in question. Further, violations of statutes or regulation that do not contain practice matters, can be managed by a staff investigator familiar with the program, and would provide recommendation to the director for final action.

3:39:30 PM

MS. CHAMBERS relayed that division mandated investigative timelines had reduced internal case management turnaround times. She said regulation without a quasi-judicial board is a common model in the U.S.; more than half of Alaska's professional licensing programs are managed this way. She explained that half of the professions under the Board of Barbers and Hairdressers are managed by a board in other states, two-thirds of massage therapy programs are regulated by boards, and 9 of 34 states that regulate direct-entry midwifery have industry-led boards. She said that shifting away from quasi-judicial boards opens opportunities for the department to hear feedback from licensees and the public. She outlined how the department will encourage public feedback; state law will still require the department to seek and consider public input on regulations. Ms. Chambers offered that the executive orders do not alter licensure, certification standards, or practice of any of the affected professions. She stated that the proposal of the orders is not a first step toward de-regulation. She said any change to state law affecting the professions would still require action by the legislature, and any regulation change would require input from the public. She commented that licensees who are currently qualified for re-imburement by insurance and Medicaid would continue to be covered. She explained that the time spent by staff for board management would be re-invested in improving licensing turnaround times and increasing expertise about the profession. She said staff would be educated on matters important to the program, like

identifying human trafficking red flags in licensing applications.

[3:43:47 PM](#)

MS. CHAMBERS explained that the Board of Barbers and Hairdressers have identified needed changes in statute that would improve policies or clarify persistent questions that are creating confusion in the industry. She said the board failed to act on the policy change needs, and that it had to cancel meetings due to lack of quorum. She pointed out that, without a board requirement, the department could have moved forward to address industry concerns. She stated that the board, over multiple years and member rotations, failed to do the work given to it from the legislature; the staff time used toward the board could have been used toward licensure applications. She explained that moving the quasi-judicial decisions to the department would protect the integrity of the process.

[3:45:17 PM](#)

MS. CHAMBERS shared that, within the last year, the board of certified direct-entry midwives has not addressed certain application and investigation issues because a majority of the board has a legal conflict with the subject; board conflicts that require shifting the responsibilities to the Office of Administrative Hearings would create more expenses. She added that the administration has been unable to fill the physician seat on the board, which has been vacant for more than two years, and a lack of qualified candidates has made filling the seat difficult. She said one of the recent legislative audits recommended that the legislature look at alternative methods to regulate the profession. She stressed that her testimony is not a critique of the board members or of the profession; the administration expresses its respect for board members' professional expertise and willingness to serve, and the administration's desire to gain that benefit through more efficient means. She summarized that the purpose and outcome of the orders are to improve regulatory efficiency without sacrificing public engagement or safety.

[3:48:14 PM](#)

REPRESENTATIVE PRAX thanked Ms. Chambers for her work. He asked her about leadership at the department.

MS. CHAMBERS relayed that, informally, the leadership at the department encourages "right touch" regulation. She said that any major change would need to be done via the legislature, while the power to change regulation goes to the department. She said the department is dedicated to creating structures that would codify licensee input and participation.

[3:51:27 PM](#)

CHAIR SUMNER opened public testimony on EO 129.

[3:51:37 PM](#)

WENDY PALIN, representing self, said she's a member of the Board of Barbers and Hairdressers. She stressed the importance of keeping the board, as the primary reasonability of any regulatory board is to keep the public from harm. She said the board also upholds professional standards, and by making practitioners undergo training, obtain licensure, and adhere to a code of ethics, the quality level of services provided is elevated and consumer trust is built; the beauty industry is constantly evolving, and the board facilitates ongoing education and professional development opportunities to ensure that practitioners stay abreast of trends and best practices. She said that, without regulatory oversight, there is a risk of unscrupulous individuals engaging in unethical practices, like unlicensed operation, misrepresentation of credentials, or exploitation of vulnerable clients. She stated that a well-regulated industry inspires confidence among consumers and attracts investment, leading to growth and expansion opportunities. She shared that she has seen incredible transformations, as well as devastating outcomes, done by practitioners in the beauty industry; it's crucial to prioritize proper training and certification to ensure safety and optimal results, as well as prevent unnecessary harm. She concluded that the Board of Barbers and Hairdressers serves as a lynchpin towards ongoing growth and success of the industry. She urged members to keep the board intact.

[3:56:31 PM](#)

GLORIA BAMBERG-MERRITT, PHD, representing self, said she is a researcher, has a doctorate in counseling, and is an instructor in the area of barbering, nails and grating. She shared that she has been able to pay off student loans through her work in the barber and hairdresser industry. She asked why members of the board and practitioners were not notified of EO 129, who the

authors of the executive order were, and where the recommendation came from. She urged members to veto the governor's order because of the economic impact it would have on the state's 7,000 practitioners. She relayed a January statement from Ms. Chambers regarding an inquiry into how much discussion occurred within the industry, in which she said there was no involvement. She pointed out that Ms. Chambers is the advisor to the Board of Barbers and Hairdressers with the job of helping the board make decisions more effectively. She further relayed a statement from Ms. Chambers that there would be no industry input cut out, but cited the earlier statement that the industry was not notified of EO 129. She continued citing earlier comments made by Ms. Chambers and said there appears to be a divested interest in the practitioners. She urged members to vote no on EO 129.

[4:02:19 PM](#)

MAE CANADY, representing self, shared that she has been a hairdresser for 34 years and served on the Board of Barbers and Hairdressers for four years. She shared that her concern is there are many people who are confused as to what is going to happen with EO 129. She stressed that one staff person would not be able to take the place of seven board members who are industry experts. She opined about the lack of communication to practitioners about the proposed changes and said the public as well as the industry needs to be more involved. She reiterated that she does not see just one staff person doing the job of seven board members.

[4:07:24 PM](#)

CHAIR SUMNER, after ascertaining that no one else wished to testify, closed public testimony on EO 129.

**EXECUTIVE ORDER 127 - ELIMINATING THE BOARD OF MASSAGE
THERAPISTS**

[4:07:29 PM](#)

CHAIR SUMNER announced that the next order of business would be Executive Order 127.

CHAIR SUMNER opened public testimony on EO 127.

[4:08:04 PM](#)

VOLKER HRUBY, President, Alaska Chapter, American Massage Therapy Association, said that getting rid of the Board of Massage Therapists would increase costs for all massage therapists in Alaska, which was a finding from legislative auditors. He said that state staff does not have the knowledge to fairly make decisions regarding the massage therapy industry, like scope of practice, professional standards, or regulation changes; unless state staff went to massage school and worked in the field, he said there is no amount of additional training that would give the staff such knowledge. He said there is a danger to the public if the board is removed, as the board helps to prevent criminal elements making it into the industries. He urged the committee to disallow EO 127.

[4:10:22 PM](#)

SHANTI TREVELYAN, representing self, shared that she has been a licensed massage therapist in Alaska for 25 years. She stated that the profession is highly sexualized, and that only members of the industry know just how sexualized it is and what to look out for in order to protect the public and the therapist. She stressed that there needs to be a strong relationship between the board, the profession, and the regulations. She said she is a "no" to EO 127.

[4:13:11 PM](#)

TRACY GILMORE, representing self, shared that she owns a massage business, and is the past board chair of the Board of Massage. She said EO 127 will encourage layers of bureaucracy, as two positions would be created while the board made up of massage industry experts would be eliminated. She explained that positions would be created to accompany the licensing examiner across all licensing programs, thereby increasing licensing fees. She said that trading the passion and knowledge possessed by therapists for training of short-term and rotating employees would increase the probability of fraudulent applicants being approved. She stressed that the massage industry is fraught with the human trafficking of sex workers, and the board has conveyed the message "turn around and get out." She concluded that massage therapists want a seat at the table and want the legislature to have oversight of programs, but do not want licensing fees to increase without industry input.

[4:16:21 PM](#)

REPRESENTATIVE FIELDS said he was not aware that DCCED was already adding staff in preparation of the executive orders. He asked what Ms. Gilmore anticipates in increased costs after the staff are added.

MS. GILMORE answered that she cannot speak to the dollar amounts. She explained that there is now a receptionist for the occupational license examiners, which adds another layer. She said that program coordinators add another layer, because such coordinators cost more to talk to than a license examiner. She said additional employees will correlate in an increase in license fees.

[4:18:30 PM](#)

CHAIR SUMNER, after ascertaining that no one else wished to testify, closed public testimony on EO 127.

EXECUTIVE ORDER 130 - ELIMINATING THE BOARD OF CERTIFIED DIRECT ENTRY MIDWIVES

[4:18:36 PM](#)

CHAIR SUMNER announced that the final order of business would be Executive Order 130.

CHAIR SUMNER opened public testimony on EO 130.

[4:19:02 PM](#)

MARY ANAGAWA, representing self, shared that she is a licensed certified direct-entry midwife that practices in Wasilla. She urged members to oppose the EO, as the downstream consequences in removing the board is still to be determined. She said the administration suggested a possible advisory committee. She said she does not know how removing an autonomous healthcare profession's board and transferring its duties to an understaffed division in the department would affect the health and safety of Alaska families. She asked members to vote no on EO 130. She offered a personal anecdote regarding her apprentice's experience in becoming a midwife and the fear they have about the uncertainty of midwifery in Alaska.

[4:22:03 PM](#)

JENNIFER JOZWIAK, DC, representing self, said she is a chiropractor physician, who has used midwifery services, as well

as employed three massage therapists in her office. She urged members to vote no on EO 130. She stated that the level of education cannot be trained to state employes, and that she fears that families and babies will suffer from lack of midwife knowledge.

[4:23:41 PM](#)

HANNAH ST. GEORGE, representing self, said she is not a midwife, but is the mother to 10 children, and has served on the Board of Certified Direct Entry Midwives for five years as a public member. She stressed that the board is instrumental in maintaining birth options, especially for the next generation. She pointed out that decisions about Alaska midwives are being made by experienced Alaska midwives, which is what would fundamentally change under EO 130. She asked members to keep the board.

[4:26:26 PM](#)

BETHANY KIRILLOV, representing self, said she disagrees with EO 130. She shared that she is a mother of four who were all born with midwives. She pointed out that it costs the state far less to pay a home birth midwife for a low risk out of hospital delivery than it does the average hospital birth. She said that, by removing the board, the state is taking the midwives' collective experience and denying it. She said she was told that insurance coverage will not change in the shift of power, which she does not believe is true. She pointed out that removal of the board would interrupt billing processes. She urged members to vote no on EO 130.

[4:28:52 PM](#)

LAURA LEMONS, representing self, said she is a licensed direct entry midwife and practices in and around Wasilla. She said that she does not support EO 130, and that it is not in the best interest of mothers and babies in Alaska. She said she is concerned about how the state will manage the change, as well as how the changes would affect midwifery. She stated that another concern is that there is no plan for a midwife advisory board. She said there was a time in Alaska's history where people couldn't bill Medicaid or insurance, something that she sees as a possibility in the future. She pointed out that all other autonomous healthcare providers are represented by a board of their peers, and that this should be the case for midwives. She said that, in the last year, women have come in from rural areas

because they want a choice and don't want to give birth in the hospital.

[4:32:13 PM](#)

STACEY LOWE, DC, representing self, said she is a chiropractic physician who has been practicing in Wasilla for 19 years. She said that 90 percent of her pregnant clients use direct entry midwives. She said she is concerned about her patients' access to insurance billing being denied at some point. She said that, as an autonomous healthcare provider herself, direct-entry midwives also act as primary care and have the authority to diagnose and bill insurance; they may have their ability to govern taken away. She cited comments by Ms. Chambers regarding other healthcare providers in Alaska who do not have a self-governing board and questioned whether such providers are as autonomous in primary care as direct entry midwives are. She offered that she knows of no other healthcare profession that does not operate with a board of their peers, and she questioned, if EO 130 is approved, which professional healthcare board would be next. She urged members to vote no on EO 130.

[4:34:29 PM](#)

DENI OREN, representing self, said she is a mother of two and that, as someone who birthed at both a hospital once and with a midwife once, she is strongly opposed to EO 130. She shared that her care was better with the midwives at the birthing center than at the hospital. She urged members to oppose EO 130.

[4:35:43 PM](#)

MELANIE OVERMAN, representing self, said her life was greatly changed by midwifery care, and she is opposed to EO 130.

[4:36:25 PM](#)

EMILY HEALE, representing self, said she opposes EO 130. She said that she is not a midwife but has a child today thanks to her midwife team. She said EO 130 would limit the already limited options for women in Alaska.

[4:37:08 PM](#)

JENNIFER REDDING, representing self, shared that she survived a birth in Alaska because she had a midwife with her. She said

that when western medicine forced her through a cascade of unnecessary interventions for her first child, which lead to a "c-section" delivery. She refused to go to the hospital for her second child, and those that do not want to go to the hospital are the ones that will suffer from the change proposed in EO 130.

[4:38:41 PM](#)

MIRANDA BOWER, representing self, said she is the owner of a postpartum training company. She said that EO 130 dissolves the board of direct-entry midwives in exchange for saving money and streamlining administrative processes. She said that dissolving the board would force the state to pay its employees to do the work instead. She said most concerning is that there is no plan regarding the impact of dissolving the board. She offered that the Medicaid billing manual states that individuals who have a current certificate for the Alaska Board of Certified Direct-Entry Midwives to practice as direct-entry midwives may enroll with Alaska medical assistance and cannot qualify for Medicaid billing without the board. She pointed out that certified nurse midwives (CNM) operate under a different board, and that one CNM is informing legislators that voting for EO 130 will be okay, but that is only because her business would not lose the ability to bill Medicaid. She stressed that birth options will dwindle as a result of EO 130.

[4:42:16 PM](#)

REPRESENTATIVE FIELDS noted that a CNM who submitted public testimony was opposed to EO 130.

[4:42:40 PM](#)

RACHEL PUGH, representing self, said she is a certified professional midwife, as well as a certified direct-entry midwife, and serves on the Board of Certified Direct Entry Midwives. She shared that her biggest concern is not what EO 130 states right now but what it doesn't state and what it could mean for midwifery in Alaska. She pointed out that dissolving the board into a state department has an immediate impact on statutes and regulations because a process of changes would happen that midwives won't have say in. She said there has been talk of there being an advisory committee, but there has been no communication as to who would be on the committee. She urged members to vote no on EO 130.

[4:44:27 PM](#)

CHRISTIAN LOWE, representing self, shared about his wife and three children, their first was delivered in a hospital and the two after were home births. He stated that the at-home birth with a midwife was a better experience than at the hospital. He said EO 130 takes midwife regulation power away from professionals and puts it in the hands of bureaucrats; it introduces the possibility of a regulation being adopted that would hinder the ability of a midwife to care for their client. He asked members to vote no on EO 130.

[4:45:56 PM](#)

KAYLEE PRESLEY, representing self, said she is opposed to EO 130. She stated that all women have the right to choose where they give birth, and that Alaska already has a good system with plenty of birthing options with no change needed. She shared that she did her birth via midwifery and had a great experience, and after experiencing a non-midwife assisted birth, she'd prefer the midwife assistance. She said EO 130 would be hurtful to the women in the state that need care supervised by qualified people. She stressed that women want the choice to use a midwife who is overseen by other midwives, and that data shows that midwives have a good delivery success rate. She urged members to vote no on EO 130.

[4:48:17 PM](#)

CHELSEA HAPONSKI, representing self, shared that she is a chiropractor in Ketchikan, and a mother of five; three of which were delivered in a hospital and two through a direct-entry midwife. She stated that "cleaning things up" and cost-effectiveness are not legitimate reasons for EO 130, and that she does not believe such things would happen under EO 130 anyway. She said she could not imagine any other healthcare board being abolished and taken in by DCCED. She commented that, if the midwifery board is moved into DCCED, she does not see how it can be maintained without the input of the midwifery community. She pointed out that midwives save the state thousands of dollars annually by helping mothers with low-risk pregnancies deliver at birth centers and at home. She highlighted a letter from Director Lori Wing-Heier, where she explained that the division believes that, if midwives are billing insurance before EO 130, they would be able to bill going forward; there is nothing that states with certainty that payers are going to be required to cover services.

[4:51:27 PM](#)

MAX RONEY, representing self, shared that the scariest day of his life was a year ago during the birth of his first child. He explained that his wife saw a certified midwife and a certified direct-entry midwife to help deliver the birth. He stated he shudders to think of the word "efficiency" in the same sentence as "midwifery birth," as midwives already do a good job. He said he supports midwifery and opposes EO 130.

[4:52:30 PM](#)

JESSICA JOHNSTON, representing self, relayed that she is a certified professional midwife and a perinatal workforce development consultant. She said the Board of Certified Direct Entry Midwives costs \$0 and is paid for by revenue from licensing fees. She stressed that midwifery saved the state and Alaska Medicaid a minimum of \$5 million a year by providing Medicaid insured clients with home birth and birth center services. She listed average billing fees. She said there are better outcomes with certified midwives, and zero maternal deaths in the midwife area. She urged members to vote no on EO 130. She relayed that midwives delivered 567 births in Alaska in 2022, which saved Medicaid \$5.1 million; the average fee a hospital will bill Medicaid is \$26,659, while the average birth center fee is \$2,603, and the only fee in an at-home birth is the one for the midwife. She pointed out that Seward was no longer considered a maternal care desert since labor and delivery services were made available there.

[4:54:15 PM](#)

MS. JOHNSTON stated that improved outcomes have been demonstrated under midwife care: caesarean section rate in Alaska under midwife care at a birth center is 6 percent, versus 23 percent with other providers, but there have been zero maternal deaths in the midwife provider population compared to all other provider populations and locations of birth since the pandemic. She said the board keeps costs down for families and the state by ensuring that midwives are practicing at, and above, national standards. She cited the Division of Legislative Audit's October 14, 2022, report, which showed that the board is the only agency authorized to license midwives in the state and does not duplicate efforts of other agencies, and that midwives have been in compliance with all audit recommendations to move and streamline regulation process to

reduce costs and eliminate duplication of function away from state oversight; which drove up licensing costs up because licensing examiners didn't understand which cases needed to be seen by investigators.

[4:55:56 PM](#)

MORGAN TURNER, President, Alaska Birth Collective, shared that she is a mom, is currently training to be a licensed professional counselor specializing in perinatal mood disorders, and is president of the Alaska Birth Collective, which is a resource for birthing people in Alaska. She urged members to vote no on EO 130, as midwives should be autonomous in their oversight; midwifery oversight is important for keeping standards and quality of care high. She said she is concerned about the unintended consequences that moving the EO forward may have, namely, for Alaska families that use Medicaid to have a baby. Further, for other Alaska families, if insurance can't be billed for midwifery services, it would be harmful to families.

[4:58:08 PM](#)

KATE TIMMONS, representing self, shared that her first pregnancies were through hospital, while later ones were through midwives. She said that, after the stripping away of rights after the pandemic, there is much demand for midwives now. She urged members to vote no on EO 130. She noted that the board is one of the most important volunteer boards. She pointed out that, after the stripping of patient rights in the hospital setting during the pandemic, there's increased demand for midwives to support moms and advocate for birth rights as essential.

[4:59:43 PM](#)

KAREN PERRY, representing self, said she is a mother of five, all born in Alaska. She shared that one of her birth experiences was attended by midwife Pam Weaver, who was instrumental in getting certified midwives as a legal option in Alaska. She stressed that she is against EO 130, and that executive orders circumvent the voice of the people. She said the board needs to be maintained, and that an educated and informed board needs to be retained. She urged members to support midwives, and that EO 130 be vetoed by the legislature.

[5:01:39 PM](#)

DOMINIKA BUCK, representing self, said she has been a birth worker for five years and studied midwives, during which she observed their strong care and safe decision making around referring a mother to the hospital before, during, or after labor. She said Alaska has many responsible midwives because the board understands midwives; dissolving the board would negatively affect families and communities through increased costs, increased mortality rate, and mothers being forced to give birth at a hospital. She urged members to vote no to EO 130.

[5:04:32 PM](#)

KATE PARKS, Owner, AbleMidwife LLC, shared her experience being a licensed midwife since 2016 as well as a certified professional midwife. She urged members to oppose EO 130, as the Board of Certified Direct Entry Midwives has been in place for decades. She advised that, when midwives are managed by people who do not understand the profession, there is no clear mission. She said that she is one of two certified direct-entry midwives in the Fairbanks area. She said that midwives are not commodities, they save lives and deserve to be governed by their peers. She said that Alaska is a model of midwifery, as the standards of care are a flagship for other states, but EO 130 is not an example to be setting. She pointed out that Alaska has the highest rate of people who choose to give birth at home or at community birth centers. She said that EO 130 is not needed and could impact accessibility of safe midwifery care.

[5:08:24 PM](#)

CYNTHIA EARLEY, representing self, shared that she has been a licensed midwife in Alaska for eight years, and is also a certified professional midwife. She urged members to oppose EO 130 as it would harm midwifery, families, and newborns. She stated that EO 130 is neither pro-life nor pro-choice. She said that Medicaid policy states that it reimburses service provided a midwife licensed by a board, and if there is no board, then there would be no reimbursement. She said Ms. Chamber's reassurances are not believed because midwives witnessed their license expiration date extended by three months in 2023; after being reassured that Medicaid was informed, every midwife still received a letter from Medicaid accusing them of having lapsed licenses and denying coverage until the matter was resolved. She stated that Ms. Chamber's comments regarding board delays are only speculation, as she has not presented evidence of this. She shared that she audited board minutes two years ago and

found that, of the 49 meeting minutes available online, either certified nurse midwife member or the obstetrics member was not present in 23 of them, and in five of those occasions, the certified direct-entry midwife was not present. She said this record shows that certified direct-entry midwives do know how to run a board, show up, and do work.

[5:10:36 PM](#)

ONICA SPROKKREEFF, representing self, said she is a licensed midwife, and president of the Midwife Association of Alaska. In 12 years of her practicing midwifery, she commented that the state's department is at fault for many of the delays, not the board of midwives; therefore, she is unsure how shifting duties from the board to the department would make the process more efficient. She advised that midwives are knowledgeable, extensively trained, skilled professionals, and primary care providers; they are the only providers who have specific training in perinatal care in the community setting. She stressed that eliminating the board is a big oversight and urged members to oppose EO 130.

[5:13:34 PM](#)

EVIE OPHEIM, representing self, shared that she is the mother of three children who were born in Alaska with the help of midwives. She called on members to vote no on EO 130, as it would limit already limited medical care options, limit access to this form of care, and possibly lose insurance coverage for future at-home births under midwifery care. She said she sees no benefit in a state-run committee.

[5:15:16 PM](#)

LYNDSEY WARD, representing self, urged members to veto EO 130 and retain the Board of Certified Direct Entry Midwives. She said that, after two traumatic hospital births, she swore to not have kids at the hospital. She stated that hospital versus midwifery care does not compare. She commented that midwifery care needs to be protected and valued. She shared a personal anecdote about receiving good care under a midwife. She asked members to vote no on EO 130.

[5:17:46 PM](#)

JESSICA DACHOWSKI, DC, representing self, said that she is a doctor in chiropractic, as well as an instructor for pediatrics,

pregnancy, and perinatal care in Alaska and out of state. She shared that she had two at-home births that were assisted by a midwife. She pointed out that it does not matter how a person pays, as it is their choice. She stated that opposing the EO is an opportunity to keep midwife care open for families.

[5:20:42 PM](#)

ELEANOR OSSLER, representing self, shared that she is a home-birth mother of five and former midwifery student. She said that removing the midwives board and moving to an advisory board would lower the quality of care; this is not a good look for a pro-life message. She said EO 130 is a slap in the face for Alaska's elder midwives, who fought for the choice on how children are born. She commended the state's regulation of out of hospital births and said the regulations are good because of the board. She stressed that EO 130 would be a deathblow to the midwifery profession. She shared an anecdote about her own birthing experiences, and that the 567 mothers who delivered babies with certified direct entry midwives last year have the freedom to choose because the board rules well. She stated that the board is self-sufficient by operating with the dues of licensed midwives. She said it is nonsensical and inefficient to dissolve the board and put decision making in the hands of unqualified people; the fallout of the proposed change opens the door to taxing an overburden healthcare system with low-risk patients, as well as shrinking the access to care. She asked, if the proposed change is healthy for the midwifery practice, why the obstetrics and nursing boards are not being dissolved as well. She urged members to vote down EO 130.

[5:24:04 PM](#)

CHAIR SUMNER, after ascertaining that no one else wished to testify, closed public testimony on EO 130.

[5:24:36 PM](#)

MS. CHAMBERS offered to come back before the committee at a later time.

[5:25:07 PM](#)

CHAIR SUMNER announced that EO 130 was held over.

[5:25:14 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 5:25 p.m.