

STAND. COM. REP. NO.

2106

Honolulu, Hawaii

FEB 11 2016

RE: S.B. No. 2181  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,  
to which was referred S.B. No. 2181 entitled:

"A BILL FOR AN ACT RELATING TO ACCESS TO TREATMENT FOR  
TERMINALLY ILL PATIENTS,"

begs leave to report as follows:

The purpose and intent of this measure is to, beginning  
January 1, 2017, allow manufacturers of investigational drugs,  
biological products, or devices to make available such drugs,  
products, or devices to terminally ill patients under certain  
conditions.

Your Committee received testimony in support of this measure  
from the Hawaii Association for Justice and two individuals. Your  
Committee received comments on this measure from the Department of  
Health and Department of the Attorney General.

Your Committee finds that the process of approval for  
investigational drugs, biological products, and devices in the  
United States protects future patients from premature,  
ineffective, and unsafe medications and treatments over the long  
run, but the process often takes many years. Patients who have a  
terminal illness do not have the luxury of waiting until an  
investigational drug, biological product, or device receives final  
approval from the United States Food and Drug Administration.

Your Committee further finds that patients who have a  
terminal illness have a fundamental right to pursue the

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preservation of their own lives by accessing available investigational drugs, biological products, and devices. Several states, such as Arizona, Colorado, Louisiana, Michigan, and Missouri, have passed so-called "right-to-try" legislation that makes available experimental drugs without Food and Drug Administration approval to terminally ill patients with no other medication or treatment options.

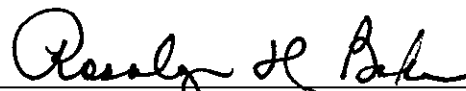
To assist the Committee on Judiciary and Labor with its deliberation on this measure, your Committee notes the comments and concerns raised by the Department of the Attorney General in its testimony regarding possible inconsistencies between provisions in this measure and federal and state law.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2181, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2181, S.D. 1, and be referred to your Committee on Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce, Consumer  
Protection, and Health,



ROSALYN H. BAKER, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Commerce, Consumer Protection, and Health**  
**CPH**

Bill / Resolution No.:* <b>SB 2181</b>	Committee Referral: <b>CPH, JDL</b>	Date: <b>2-4-16</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
ESPERO, Will	✓			
IHARA, Jr., Les	✓			
NISHIHARA, Clarence K.				✓
RUDERMAN, Russell E.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>6</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution:             Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes