

STAND. COM. REP. NO. 835

Honolulu, Hawaii

MAR 05 2021

RE: S.B. No. 839  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 839, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize advanced practice registered nurses, in addition to physicians, to practice medical aid in dying in accordance with their scope of practice and prescribing authority;
- (2) Authorize psychiatric mental health nurse practitioners and clinical nurse specialists, in addition to psychiatrists, psychologists, and clinical social workers, to provide counseling to a qualified patient;
- (3) Reduce the mandatory waiting period between oral requests from twenty days to fifteen days; and
- (4) Waive the mandatory waiting period for those terminally ill individuals not expected to survive the mandatory waiting period.

Your Committee received testimony in support of this measure from the Hawai'i Association of Professional Nurses, Hawai'i



Psychological Association, Compassion & Choices, Hawaii Society of Clinical Oncology, Hawai'i - American Nurses Association, and fifty-four individuals. Your Committee received testimony in opposition to this measure from Hawai'i Family Forum, Patients Rights Action Fund, and five individuals. Your Committee received comments on this measure from the Board of Nursing and Hawai'i State Center for Nursing.

Your Committee finds that the Our Care, Our Choice Act (OCOCA) allows terminally ill individuals to request and receive prescription medication that allows them to pass away in a peaceful, humane, and dignified manner. Your Committee further finds that since the OCOCA was enacted, the Department of Health solicited input from the medical community on the law's implementation. This process has revealed that a shortage of physicians on the neighbor islands unintentionally created barriers and burdens in care. Your Committee further finds that implementing the amendments to the OCOCA suggested by the medical community and collated by the Department of Health will equitably increase access to end-of-life care intended to limit needless suffering.

Your Committee has amended this measure by 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 839, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 839, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 839 SD1	HTH, JDC	02/25/2021		
<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
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike			✓	
KIM, Donna Mercado			✓	
LEE, Chris	✓			
FEVELLA, Kurt			✓	
<b>TOTAL</b>	4	0	3	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</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