

STAND. COM. REP. NO.

3367

Honolulu, Hawaii

MAR 24 2022

RE: H.B. No. 1823
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 1823, H.D. 2, 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 and physician assistants to practice medical-aid-in-dying or provide counseling to a qualified patient;
- (2) Amend the mandatory waiting period between oral requests and the provision of a prescription; and
- (3) Prohibit the disclosure, discovery, or compelled production of information collected or retained pursuant to incidental or routine communication between the Department of Health and qualified patients or providers.

Your Committee received testimony in support of this measure from Compassion & Choices, Stonewall Caucus of the Democratic Party of Hawaii, Hawai'i Association of Professional Nurses, Hawai'i Pacific Health, Hawaii Society of Clinical Oncology, and twenty individuals. Your Committee received testimony in



opposition to this measure from the Hawaii Family Forum and four individuals. Your Committee received comments on this measure from the Department of Health, Board of Nursing, Hawaii Medical Board, and Hawaii Psychiatric Medical Association.

Your Committee finds that in 2018, the State passed the Our Care, Our Choice Act, which allows mentally capable, terminally ill individuals with six months or less to live to voluntarily request and receive prescription medication that allows the person to die in a peaceful, humane, and dignified manner. However, the State's unique geography and shortage of physicians create barriers for qualified terminally ill individuals to find access to qualified and willing physicians. This measure amends the Our Care, Our Choice Act to address these burdens for qualified patients who wish to have a peaceful end of life experience.

Your Committee acknowledges the testimony of the Hawaii Psychiatric Medical Association, which requests an amendment requiring a prescribing provider to conduct an initial visit in-person. An in-person visit is already required for anyone prescribing opiates; however, medications other than opiates are now being used for medical-aid-in-dying.

Therefore, your Committee has amended this measure by:

- (1) Requiring a provider prescribing medications for medical-aid-in-dying to conduct an initial visit with the patient in-person;
- (2) Amending section 1 to reflect its amended purpose; and
- (3) 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1823, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1823, H.D. 2, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Judiciary.



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

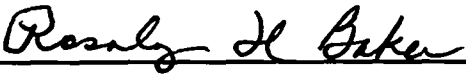


JARRETT KEOHOKALOLE, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

**Record of Votes
Committee on Health
HTH**

Bill / Resolution No.:* HB1823 HD2	Committee Referral: HTH, CPN/JDC	Date: 03-21-2022		
<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
KEOHOKALOLE, Jarrett (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
MORIWAKI, Sharon Y.				✓
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt			✓	
TOTAL	3	-	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes