

STAND. COM. REP. NO. 452

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 442
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 442 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the Our Care, Our Choice Act to:

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

Your Committee received testimony in support of this measure from the Board of Nursing, Policy Advisory Board for Elder Affairs, Compassion & Choices, Hawai'i Association of Professional Nurses, Hawai'i Pacific Health, Hawai'i - American Nurses



Association, Kūpuna Caucus of the Democratic Party of Hawai'i, Hawai'i Psychological Association, Hawaii Society of Clinical Oncology, Kokua Council, and fifteen individuals. Your Committee received testimony in opposition to this measure from the Hawaii Family Forum and twenty individuals. Your Committee received comments on this measure from the Hawai'i State Center for Nursing and Hawaii Medical Association.

Your Committee finds that the Our Care, Our Choice Act allows certain terminally ill individuals to receive prescription medication to allow them to die in a peaceful, humane, and dignified manner. However, many individuals in the State have trouble accessing this compassionate care. Particularly, Hawaii's physician shortage presents a barrier to individuals living in rural areas, and the State's mandatory waiting periods are the longest in the nation among states that have enacted medical-aid-in-dying laws. To address these barriers to accessing compassionate care, this measure amends the Our Care, Our Choice Act to authorize additional medical practitioners to facilitate medical aid in dying and reduce mandatory waiting periods.

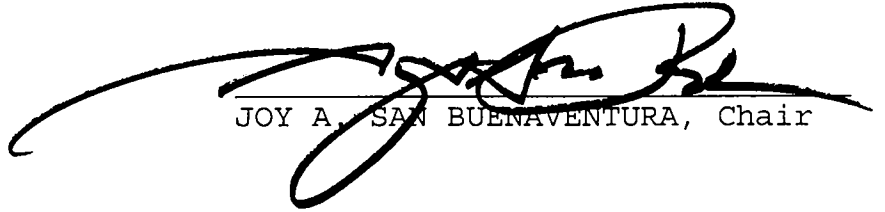
Your Committee has amended this measure by:

- (1) Inserting language requiring the patient's attending provider to assess for the possibility of coercion or undue influence by another individual prior to any waiver of the five-day waiting period;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; 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 and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 442, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 442, 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 and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* SB 442	Committee Referral: HHS, CPN/JDC	Date: 2/8/23		
<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
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SHIMABUKURO, Maile S.L.				✓
AWA, Brenton				✓
TOTAL	3			2
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