

Honolulu, Hawaii

MAR 03 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 Commerce and Consumer Protection, to which was referred S.B. No. 442, 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 provide services under the Our Care, Our Choice Act (OCOCA) in accordance with their scope of practice and prescribing authority;
- (2) Authorize advanced practice registered nurses, in addition to psychiatrists, psychologists, and clinical social workers, to provide counseling to a qualified patient for purposes of the OCOCA;
- (3) Reduce the mandatory waiting period required by the OCOCA, between a patient's oral requests from twenty days to five days; and
- (4) Waive the mandatory waiting period for those terminally ill individuals not expected to survive the mandatory waiting period under the OCOCA, subject to certain conditions.



Your Committee received testimony in support of this measure from the Department of Health, Board of Nursing, Compassion and Choices, American Nurses Association in Hawai'i, Hawai'i Association of Professional Nurses, Hawaii Society of Clinical Oncology, Hawai'i Pacific Health, Hawai'i Psychological Association, Hawaiian Islands Association for Marriage and Family Therapy, Kūpuna Caucus of the Democratic Party of Hawai'i, and forty individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Hawai'i State Center for Nursing.

Your Committee finds that the OCOCA allows terminally ill individuals to request and receive prescription medication that allows them to end life in a peaceful, humane, and dignified manner. Your Committee further finds that since the OCOCA was enacted, a shortage of physicians on the neighbor islands has unintentionally created barriers and burdens to receiving timely care. Furthermore, evidence from other medical-aid-in-dying authorized states demonstrates that even with full access to a supportive health care facility and providers, a high percentage of terminally ill individuals die while waiting to complete the legal requirements to qualify for medication under the respective state laws. Hawaii's waiting periods are the longest among the states that have enacted medical-aid-in-dying laws. Therefore, this measure amends the OCOCA to ease these barriers while maintaining the safeguards intended to protect patients.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 442, S.D. 1, and recommends that it pass Third Reading.

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



ARRETT KEOHOKALOLE, Chair



