



February 7, 2024

The Honorable Della Au Belatti, Chair  
The Honorable Jenna Takenouchi, Vice Chair  
House Committee on Health & Homelessness

Re: HB 966 – Relating to Access to Treatment for Terminally Ill Patients.

Dear Chair Belatti, Vice Chair Takenouchi, and Members of the Committee:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to provide comments on HB 966 which permits manufacturers of investigational drugs or biological products to make these drugs and products available to terminally ill patients under certain conditions.

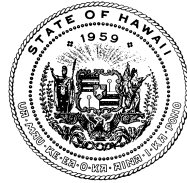
HMSA appreciates the efforts of this committee to expand care options for patients who have a terminal illness. This is a complex issue and we want to ensure that all individuals have appropriate access to care. We appreciate the opportunity to be a part of this continued conversation and strengthen the health and well-being of our community.

Thank you for the opportunity to provide comments on this measure.

Sincerely,

Dawn Kurisu  
Assistant Vice President  
Community and Government Relations

JOSH GREEN, M.D.  
GOVERNOR OF HAWAII  
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII



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**Testimony COMMENTING on HB966  
RELATING TO ACCESS TO TREATMENT FOR TERMINALLY ILL PATIENTS.**

REP. DELLA BELATTI, CHAIR  
HOUSE COMMITTEE ON HEALTH & HOMELESSNESS

Hearing Date: February 7, 2024

Room Number: 325

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** The Department of Health (DOH) offers technical amendments only  
3 and takes no position on the merits of the bill.

4 Should the Legislature move forward with this measure, DOH respectfully recommends  
5 amendments in Hawaii Revised Statutes (HRS) that are unrelated to substantive department  
6 operations, including but not limited to chapter 321, Hawaii Revised Statutes, which HB966  
7 currently proposes.

8 A new chapter adjacent to chapter 327, HRS, is more appropriate since amending chapter 321,  
9 HRS, "Department of Health," may erroneously give the impression that DOH regulates the  
10 Right To Try. This measure permits manufacturers to offer trials with certain protections from  
11 liability and indemnities, which are completely unrelated to activities at DOH. Examples of  
12 chapters adjacent to chapter 327 are:

- 13 • 327G – Advanced health care directives;
- 14 • 327H – Pain patient's bill of rights; and
- 15 • 327L – Provider Orders for Life-Sustaining Treatment;

16 All which are health-related but not the responsibility of the Department of Health.

17 Thank you for the opportunity to testify.

1 **Proposed Amendments:**

2 SECTION 2. [~~Chapter 321, Hawaii Revised Statutes, is amended by~~  
3 ~~adding a new section to be appropriately designated and to read as~~  
4 ~~follows.~~] The Hawaii Revised Statutes is amended by adding a new  
5 chapter to be appropriately designated and to read as follows:

6 "CHAPTER

7 RIGHT TO TRY

8 § -1 Access to investigational drugs and..."