

STAND. COM. REP. NO.

683

Honolulu, Hawaii

FEB 14 , 2025

RE: H.B. No. 320
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Human Services & Homelessness, to which was referred H.B. No. 320 entitled:

"A BILL FOR AN ACT RELATING TO SUPPORTED DECISION-MAKING AGREEMENTS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Allow qualified adults, including adults with a disability, mentally ill adults, and adults sixty-five years of age or older, to enter into supported decision-making agreements with one or members of a supportive community; and
- (2) Specify the terms of a supported decision-making agreement, including access to personal information and agreement requirements.

Your Committee received testimony in support of this measure from the Executive Office on Aging; State Council on Developmental Disabilities; Disability and Communication Access Board; Hawaii Self-Advocacy Advisory Council; Hawaii Disability Rights Center; Full Life; and five individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of

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Health; Department of Human Services; Department of the Attorney General; and Guardianship Conservatorship Working Group.

Your Committee finds that many individuals with disabilities, mental illness, or aging-related challenges require support in decision-making, yet existing legal frameworks often place them under restrictive guardianship, stripping them of autonomy and basic rights. This measure addresses these concerns by allowing qualified adults to enter into supported decision-making agreements, enabling them to make informed choices with the guidance of trusted supporters and ensuring that individuals can direct their own lives with dignity and self-determination.

Your Committee has amended this measure by:

- (1) Defining "personal information";
- (2) Disqualifying certain persons from entering into a supported decision-making agreement as a member of a supportive community;
- (3) Requiring express written consent from the qualified adult for certain medical information and education records protected under federal privacy laws;
- (4) Clarifying the types of information a member of the supportive community must keep confidential after assisting a qualified adult to access, collect, or obtain the information;
- (5) Clarifying the minimum requirements of a supported decision-making agreement;
- (6) Clarifying provisions related to the automatic termination of a supported decision-making agreement;
- (7) Specifying that a supported decision-making agreement, or the execution of a supported decision-making agreement, shall not be used as evidence of incapacity or incompetency of a qualified adult and shall not preclude an adult with a functional impairment from acting independently of the agreement;



- (8) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 320, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 320, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Homelessness,


LISA MARTEN, Chair



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Bill/Resolution No.: HB 320	Committee Referral: HSH, JHA	Date: 2/11/2025		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HSH Members	Ayes	Ayes (WR)	Nays	Excused
1. MARTEN, Lisa (C)	X			
2. OLDS, Ikaika (VC)	X			
3. AMATO, Terez	X			
4. CHUN, Cory M.	X			
5. KEOHOKAPU-LEE LOY, Sue L.	X			
6. TAKAYAMA, Gregg	X			
7. TAKENOUCHI, Jenna	X			
8. ALCOS III, David	X			
9. GARCIA, Diamond	X			
TOTAL (9)	9			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				