

Honolulu, Hawaii

APR 24 2025

RE: S.B. No. 1323
S.D. 2
H.D. 2
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

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

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1323, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH CARE,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to adopt the Uniform Health Care Decisions Act (2023), as modified, to replace existing chapters related to advance health care directives and advance mental health care directives.

Your Committee on Conference finds that in 1999, the Legislature passed the Uniform Health-Care Decisions Act (1993), which was enacted and codified as chapter 327E, Hawaii Revised Statutes, and in 2004, passed law governing advance mental health care directives, which was enacted and codified as chapter 327G, Hawaii Revised Statutes. Your Committee on Conference further finds that an updated Uniform Health-Care Decisions Act was promulgated by



the Uniform Law Commission in 2023, reflecting a multiyear collaborative and non-partisan process to modernize and expand on the Uniform Health-Care Decisions Act approved by the Uniform Law Commission in 1993. This measure updates and consolidates the State's current laws by adopting a modified version of the Uniform Health-Care Decisions Act (2023), as promulgated by the Uniform Law Commission, which reflects a better understanding of capacity and reduces barriers to creating advance directives relating to general health care and mental health.

Your Committee on Conference has amended this measure by:

- (1) Inserting language to clarify that an individual may revoke the appointment of an agent, the designation of a default surrogate, or a health care instruction unless, among other reasons, the individual is found to lack the capacity to do so, and if the individual objects to the finding, the finding is confirmed;
- (2) Inserting language to clarify that the power of an agent or a default surrogate shall:
 - (A) Cease if the individual is later found to have capacity to make a health care decision or the individual objects to the finding of lack of capacity; and
 - (B) Resume if the power ceased because the individual objected to the finding of lack of capacity and the finding of lack of capacity is confirmed or a court finds that the individual lacks capacity to make a health care decision;
- (3) Inserting language to require the health care professional who makes or is informed of a finding that an individual lacks capacity to make a health care decision to communicate that the individual may object to the finding of lack of capacity;
- (4) Making it effective upon its approval; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your

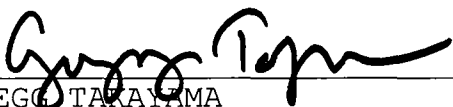


Committee on Conference is in accord with the intent and purpose of S.B. No. 1323, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1323, S.D. 2, H.D. 2, C.D. 1.

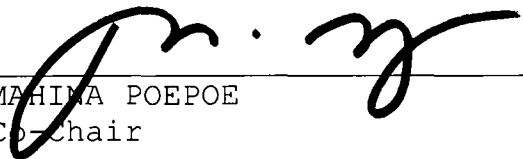
Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

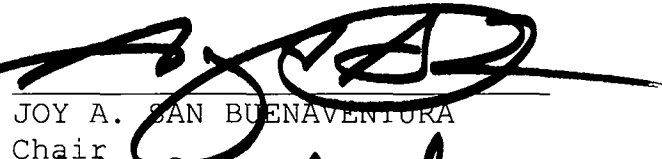
ON THE PART OF THE SENATE



GREGG TARAYAMA
Co-Chair



MAHINA POEPOE
Co-Chair



JOY A. SAN BUENAVENTURA
Chair



KARL RHOADS
Co-Chair



Hawai'i State Legislature

CCR 88

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 1323, SD 2, HD 2	Date/Time: 4/24/25 PM 3:39 AM
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
SAN BUENAVENTURA, Joy A., Chr.	/				TAKAYAMA, Gregg, Co-Chr.	/			
RHOADS, Karl, Co-Chr.	/				POEPOE, Mahina, Co-Chr.	/			
HASHIMOTO, Troy N.	/				GARCIA, Diamond	/			
FEVELLA, Kurt				/					
TOTAL	3	.	.	1	TOTAL	3	.	.	.

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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