

Honolulu, Hawaii

FEB 14 2025

RE: S.B. No. 1323  
S.D. 1

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

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 1323 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to, beginning January 1, 2026, adopt the Uniform Health-Care Decisions Act (2023) with amendments to replace chapters 327E and 327G, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Office of the Governor, Department of the Attorney General, and Commission to Promote Uniform Legislation.

Your Committee received testimony in opposition to this measure from the Hawaii Disability Rights Center and one individual.

Your Committee received comments on this measure from the Hawaii Health Systems Corporation.

Your Committee 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 further finds that in 2023, the Uniform Law Commission approved and recommended for enactment in all states the Uniform Health-Care Decisions Act (2023). Your Committee additionally finds that while existing Hawaii law addresses advance directives broadly, the Uniform Health-Care Decisions Act (2023) does so more comprehensively by dividing various types of advance directives into separate sections for power of attorney for health care, health care instructions, and advance mental health care directives. This measure updates and consolidates laws concerning advance health care directives and advance mental health care directives into one unified law regarding health care decisions to avoid confusion and conflicting provisions.

Your Committee has amended this measure by:

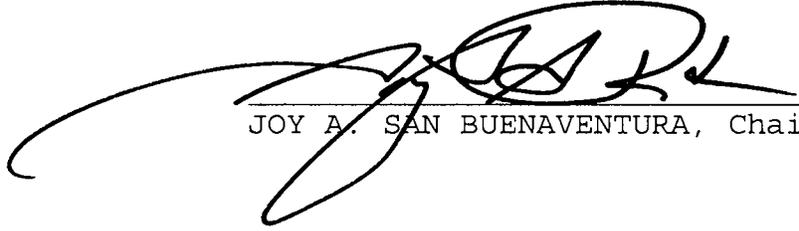
- (1) Inserting language establishing that the adult witness to an individual who is signing and creating a power of attorney for health care shall not be related to the individual by blood, marriage, or adoption or entitled to any portion of the estate upon the individual's death;
- (2) Inserting language to establish that the two adult witnesses to an individual who is signing and creating an advance mental health care directive shall not be related to the individual by blood, marriage, or adoption or entitled to any portion of the estate upon the individual's death;
- (3) Adding emergency departments of health care institutions to those not liable for violations of certain advance health care directive requirements under certain conditions;
- (4) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (5) 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. 1323, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1323, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Health and Human  
Services,



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JOY A. SAN BUENAVENTURA, Chair



