

Honolulu, Hawaii

FEB 07 2025

RE: S.B. No. 49
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. 49 entitled:

"A BILL FOR AN ACT RELATING TO TERMINAL ILLNESSES,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize manufacturers of investigational drugs or biological products that are pending approval by the United States Food and Drug Administration to make the drugs or products available to terminally ill patients under certain conditions.

Your Committee received testimony in support of this measure from the Hawai'i Association of Professional Nurses.

Your Committee received comments on this measure from the Department of Health.

Your Committee finds that terminally ill patients may have their care options severely restricted until an investigational drug or biological product is approved for general use. Your Committee further finds that, to help terminally ill patients obtain timely access to medical treatments, the federal government and forty-one states have enacted "right-to-try" legislation, which makes available to these patients drugs that are pending approval by the United States Food and Drug Administration. This measure empowers patients with terminal illnesses by expanding



access to potentially life-saving or life-extending investigational treatments.

Your Committee recognizes the testimony of the Hawai'i Association of Professional Nurses requesting that health care providers other than physicians, such as advanced practice registered nurses, also be allowed to fully participate in providing care to patients with terminal illnesses pursuant to this measure. Your Committee also notes the concerns raised by the Department of Health that the measure, as proposed, adds the new statutory provisions to chapter 321, Hawaii Revised Statutes, which governs the Department of Health, despite the provisions including no roles or responsibilities for the Department.

Your Committee has amended this measure by:

- (1) Moving the proposed statutory provision from chapter 321, Hawaii Revised Statutes, to a new chapter;
- (2) Replacing all references to "physician" with "health care provider";
- (3) Inserting language defining "health care provider";
- (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. 49, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 49, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Judiciary.



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



JOY A. SAN BUENAVENTURA, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 49</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HHS, CPN/JDC</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">1/29/25</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended <small>2312</small></div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments <small>2311</small></div> <div style="text-align: center;"><input type="checkbox"/> Hold <small>2310</small></div> <div style="text-align: center;"><input type="checkbox"/> Recommit <small>2313</small></div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
HASHIMOTO, Troy N.	✓			
KEOHOKALOLE, Jarrett	✓			
FEVELLA, Kurt	✓			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-left: 50px;">[Signature]</div>				
Distribution: <div style="display: flex; justify-content: space-around; font-size: 0.8em;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes