

STAND. COM. REP. NO. **606** -22

Honolulu, Hawaii

FEB 18 , 2022

RE: H.B. No. 1823  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1823, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to amend the Our Care, Our Choice Act to:

- (1) Authorize advanced practice registered nurses and physician assistants, in addition to physicians, to practice medical aid in dying in accordance with their scope of practice and prescribing authority;
- (2) Authorize advanced practice registered nurses with a psychiatric or clinical nurse specialization and physician assistants, in addition to psychiatrists, psychologists, and clinical social workers, to provide counseling to a qualified patient;
- (3) Reduce the mandatory waiting period between oral requests from twenty days to fifteen days;
- (4) Reduce the mandatory waiting period between a qualified patient's initial oral request and the provision of a prescription pursuant to section 327L-4(a)(12), Hawaii



Revised Statutes, from twenty days to fifteen days; provided that if more than ten business days have elapsed between the qualified patient's initial oral request and an appraisal of the patient by the attending provider or consulting provider, the mandatory waiting period between a qualified patient's initial oral request and the provision of a prescription shall be reduced to ten days;

- (5) Provide an expedited pathway for terminally ill qualified patients who are not expected to survive the mandatory waiting period; and
- (6) Prohibit the disclosure or discovery of information collected pursuant to the Our Choice, Our Care Act, or retained as the result of incidental or routine communication with providers and qualified patients.

Your Committee received testimony in support of this measure from Hawai'i Pacific Health; AlohaCare; Compassion & Choices; Burden Lifters, LLC; Hawai'i - American Nurses Association; Hawai'i Psychological Association; Hawaii Society of Clinical Oncology; Hawaii Association of Professional Nurses; National Association of Social Workers - Hawai'i; The Hawaiian Islands Association for Marriage and Family Therapy; and numerous individuals. Your Committee received testimony in opposition to this measure from the Honolulu County Republican Party, Hawaii Psychiatric Medical Association, Hawaii Family Forum, The Hawaii Association for Justice, and six individuals. Your Committee received comments on this measure from the Department of Health, Board of Nursing, Hawai'i State Center for Nursing, and one individual.

Your Committee finds that in 2018, the State passed the Our Care, Our Choice Act to ensure that all terminally ill individuals have access to the full range of end-of-life care options. The Our Care, Our Choice Act allows mentally capable, terminally ill individuals with six months or less to live to voluntarily request and receive prescription medication that allows the person to die in a peaceful, humane, and dignified manner.

Your Committee further finds that the State's shortage of physicians has created barriers to access these end-of-life care options for qualified terminally ill individuals. Hawaii has the longest mandatory waiting period among all ten medical-aid-in-



dying authorized states and the District of Columbia, and many patients do not survive the mandatory waiting period.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1823, H.D. 1, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,

  
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AARON LING JOHANSON, Chair



State of Hawaii  
House of Representatives  
The Thirty-first Legislature

**HSCR 606-22**

**Record of Votes of the Committee on Consumer Protection & Commerce**

<b>Bill/Resolution No.:</b> HB 1823, HD 1	<b>Committee Referral:</b> HHH, CPC, JHA	<b>Date:</b> 2-15-22		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input checked="" type="checkbox"/> Pass, unamended (as is) <input 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)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. JOHANSON, Aaron Ling (C)	✓			
2. KITAGAWA, Lisa (VC)			✓	
3. AQUINO, Henry J.C.				✓
4. HAR, Sharon E.		✓		
5. HASHEM, Mark J.				✓
6. KONG, Sam Satoru			✓	
7. MIZUNO, John M.				✓
8. MORIKAWA, Dee	✓			
9. ONISHI, Richard H.K.	✓			
10. TARNAS, David A.	✓			
11. MATSUMOTO, Lauren		✓		
<b>TOTAL (11)</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>3</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
<b>Vice Chair's or designee's signature:</b> _____ <i>Dee Morikawa</i>				
<b>Distribution:</b> Original (White) – Committee   Duplicate (Yellow) – Chief Clerk's Office   Duplicate (Pink) – HMSO				