

Honolulu, Hawaii

FEB 17 2022

RE: S.B. No. 2680
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 2680
entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to revise the
medical-aid-in-dying law by:

- (1) Authorizing advanced practice registered nurses, in addition to physicians, to practice medical-aid-in-dying in accordance with their scope of practice and prescribing authority;
- (2) Authorizing psychiatric mental health nurse practitioners and clinical nurse specialists, in addition to psychiatrists, psychologists, and clinical social workers, to provide counseling to a qualified patient;
- (3) Reducing the mandatory waiting period between oral requests from twenty days to fifteen days; and
- (4) Waiving the mandatory waiting period for those terminally ill individuals not expected to survive the mandatory waiting period.



Your Committee received testimony in support of this measure from AlohaCare, Compassion & Choices, Hawaiian Islands Association for Marriage and Family Therapy, Hawai'i - American Nurses Association, Hawai'i Psychological Association, Hawaii Society of Clinical Oncology, National Association of Social Workers - Hawai'i, Democratic Party of Hawai'i Health Committee, Hawai'i Association of Professional Nurses, Democratic Party of Hawai'i Kūpuna Caucus, and eleven individuals. Your Committee received opposition to this measure from Hawaii Family Forum and four individuals. Your Committee received comments on this measure from the Board of Nursing and Hawai'i State Center of Nursing.

Your Committee finds that in 2018, the State passed Act 2, Session Laws of Hawaii 2018, known as the Our Care, Our Choice Act, which 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. However, due to the State's unique geography and shortage of physicians, finding a physician who can administer medical-aid-in-dying can be burdensome and many terminally ill patients die while waiting to complete the statutory requirements. Therefore, this measure aims to ease the regulatory requirements of the Our Care, Our Choice Act to assist those terminally ill patients with difficulty accessing end-of-life care options.

Your Committee acknowledges the testimony of the Department of Health, which offers amendments strengthening the measure's nondisclosure protections. Your Committee also heard from several mental health professional associations, which requested that marriage and family therapists be authorized to provide counseling to a qualified patient.

Therefore, your Committee has amended this measure by:

- (1) Strengthening the nondisclosure protections of the Our Care, Our Choice Act to prevent the Department of Health from releasing sensitive information;
- (2) Authorizing licensed marriage and family therapists to provide counseling to a qualified patient;



- (3) Requiring that all professionals who provide counseling to qualified patients be licensed;
- (4) Inserting an effective date of January 1, 2050, to encourage further discussion;
- (5) Amending section 1 to reflect its amended purpose; and
- (6) 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 that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2680, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2680, 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,

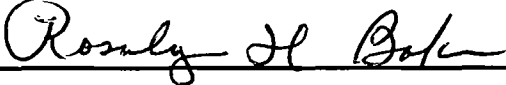


JARRETT KEOHOKALOLE, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

**Record of Votes
Committee on Health
HTH**

Bill / Resolution No.:* SB2680	Committee Referral: HTH, CPN / JDC	Date: 2-7-2022		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOPE, Jarrett (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt			✓	
TOTAL	4	-	1	-
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes