

Honolulu, Hawaii

**MAR 04 2022**

RE: S.B. No. 2680  
S.D. 2

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

Sir:

Your Committees on Commerce and Consumer Protection and  
Judiciary, to which was referred S.B. No. 2680, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize 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) Authorize licensed psychiatric mental health nurse practitioners, clinical nurse specialists, and marriage and family therapists, in addition to psychiatrists, psychologists, and clinical social workers, to provide counseling to a qualified patient;
- (3) Strengthen the nondisclosure protections of the Our Care, Our Choice Act;
- (4) Reduce the mandatory waiting period between oral requests from twenty days to fifteen days, for a prescription for self-administered medication for the purpose of ending the requestor's life; and



- (5) Authorize the waiver of the mandatory waiting period for those terminally ill individuals not expected to survive the mandatory waiting period for a prescription for self-administered medication for the purpose of ending the requestor's life.

Your Committees received testimony in support of this measure from Hawai'i Pacific Health, Hawai'i - American Nurses Association, Compassion & Choices, Hawai'i Society of Clinical Oncology, AlohaCare and twenty-six individuals. Your Committees received testimony in opposition to this measure from the Hawai'i Psychiatric Medical Association, Hawai'i Family Forum, Hawai'i Association for Justice, and four individuals. Your Committees received comments on this measure from the Department of Health, Board of Nursing, and Hawai'i State Center for Nursing.

Your Committees find that in 2018, the Legislature passed Act 2, Session Laws of Hawai'i 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. Since the passage of the Our Care, Our Choice Act, there have been only a limited number of physicians throughout the State willing or able to be an attending physician for purposes of the Act. Your Committees find that there are advanced practice registered nurses willing to participate in providing care under the Our Care, Our Choice Act and that allowing them to do so would enable residents in rural communities to have better access care. 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 Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2680, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2680, S.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committees on Commerce and  
Consumer Protection and  
Judiciary,

*Karl Rhoads*

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KARL RHOADS, Chair

*Rosalyn H Baker*

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ROSALYN H. BAKER, Chair





The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2680, SD1	HTH, CPN/JDC	03-01-22		
<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
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike			✓	
KIM, Donna Mercado		✓		
LEE, Chris	✓			
FEVELLA, Kurt			✓	
<b>TOTAL</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>-</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Paul Rhoads</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes