

STAND. COM. REP. NO.

1421

Honolulu, Hawaii

MAR 21 , 2025

RE: S.B. No. 1323
S.D. 2
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Health, to which was referred S.B. No. 1323, S.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to update the State's advance health care directive laws by adopting the Uniform Health-Care Decisions Act (2023) in modified form.

Your Committee received testimony in support of this measure from the Department of Health; Department of the Attorney General; and Commission to Promote Uniform Legislation. Your Committee received comments on this measure from the Hawaii Disability Rights Center and Healthcare Association of Hawaii.

Your Committee finds that the Uniform Law Commission approved and recommended the Uniform Health-Care Decisions Act (2023) for enactment in all states. Your Committee further finds that although the State's existing laws address advance directives broadly, the Uniform Health-Care Decisions Act (2023) provides a more comprehensive framework for a variety of advance directives, including advance mental health care directives. Your Committee believes that adopting the Uniform Health Care Decisions Act

2025-2780 SB1323 HD1 HSCR HMSO



(2023) in modified form will simplify the process to execute an advance health care directive.

Your Committee has amended this measure by:

- (1) Clarifying the definition of "advanced practice registered nurse";
- (2) Deleting language that established a process for an individual who is the subject of a finding of lack of capacity to object to the finding and required the individual to be treated as having capacity unless certain conditions were met;
- (3) Requiring that a signed declaration from a person who is assuming the authority to act as a default include a statement that the declaration was provided under penalty of law;
- (4) Deleting language that removed the power of an agent or default surrogate to make health care decisions for an individual who is the subject of a finding of lack of capacity if the individual objected to the finding;
- (5) Deleting language that prohibited a default surrogate from making a health care decision under certain conditions;
- (6) Reducing the amount of damages that may be awarded against a health care professional or health care institution for a violation of duties to \$5,000, rather than \$50,000;
- (7) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1323, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1323, S.D.



2, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Health,



GREG TAKAYAMA, Chair



Record of Votes of the Committee on Health

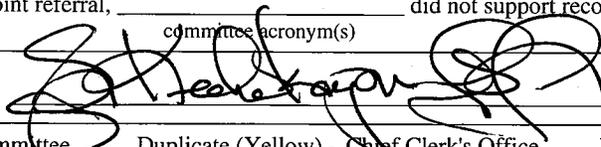
Bill/Resolution No.: SB1323 SD2 Committee Referral: HLT, JHA Date: March 19, 2023

The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKAYAMA, Gregg (C)	X			
2. KEOHOKAPU-LEE LOY, Sue L. (VC)	X			
3. AMATO, Terez	X			
4. CHUN, Cory M.	X			
5. MARTEN, Lisa	X			
6. OLDS, Ikaika	X			
7. TAKENOUCI, Jenna	X			
8. ALCOS III, David	X			
9. GARCIA, Diamond	X			
TOTAL (9)	9			

The recommendation is: Adopted Not Adopted
 If joint referral, _____ did not support recommendation.
committee acronym(s)

Vice Chair's or designee's signature: 

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