

Honolulu, Hawaii

FEB 18 2026

RE: S.B. No. 2281
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committees on Health and Human Services and Labor and Technology, to which was referred S.B. No. 2281 entitled:

"A BILL FOR AN ACT RELATING TO THE USE OF ARTIFICIAL INTELLIGENCE IN HEALTH CARE,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require health care providers using artificial intelligence (AI) in patient interactions to disclose to the patient that the patient is interacting with AI;
- (2) Require health care providers using AI in making consequential decisions relating to the patient to:
 - (A) Provide certain notice and statements to the patient;
 - (B) Maintain a qualified AI oversight personnel who shall be a natural person that reviews, evaluates, and validates or overrides AI outputs;
 - (C) Monitor and conduct regular performance evaluations of their AI systems;



- (D) Implement procedures to address identified deficiencies; and
 - (E) Maintain certain records;
- (3) Require certain health care providers using AI to submit annual reports to the Department of Health; and
 - (4) Require the Department of Health to adopt rules.

Your Committees received testimony in support of this measure from the State Health Planning and Development Agency and four individuals.

Your Committees received comments on this measure from the Department of Health, Hawaii Medical Association, Healthcare Association of Hawaii, Hawai'i Pacific Health, ATA Action, and TechNet.

Your Committees find that the State has an important opportunity to proactively establish guardrails for the use of artificial intelligence in health care. Your Committees further find that as AI capabilities evolve rapidly, statutory framework that emphasizes disclosure, oversight, and patient rights are prudent. This measure establishes protections that appropriately center transparency, patient awareness, and human oversight as AI tools become more common in clinical and administrative settings.

Your Committees have amended this measure by:

- (1) Deleting language to clarify that "consequential decision" means a decision that has a significant effect on the physical or mental health of a patient;
- (2) Deleting language to clarify that the required regular performance evaluations of the AI systems shall include assessment of potential biases beyond those in training data;
- (3) Deleting language that would have required any health care provider who uses an AI system to submit an annual report to the Department of Health relating to the health care provider's compliance;

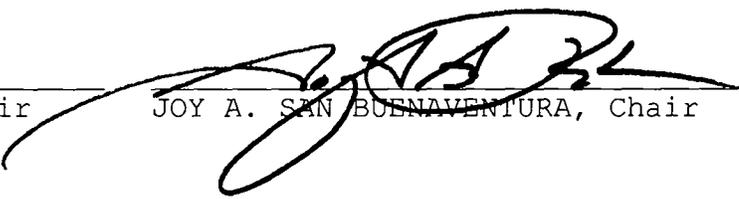


- (4) Inserting an implementation date of July 1, 2028;
- (5) Inserting an effective date of January 30, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Health and Human Services and Labor and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2281, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2281, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Health and Human Services and Labor and Technology,


BRANDON J.C. ELEFANTE, Chair


JOY A. SAN BUENAVENTURA, Chair



