



GOV. MSG. NO. 1143

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

June 1, 2023

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 1, 2023, the following bill was signed into law:

HB650 HD2 SD1

RELATING TO HEALTH.  
**ACT 043**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

HOUSE OF REPRESENTATIVES  
THIRTY-SECOND LEGISLATURE, 2023  
STATE OF HAWAII

**H.B. NO.** 650  
H.D. 2  
S.D. 1

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# A BILL FOR AN ACT

RELATING TO HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that in 2018, the State  
2 passed the Our Care, Our Choice Act to ensure that all  
3 terminally ill individuals have access to the full-range of end-  
4 of-life care options. The Our Care, Our Choice Act allows  
5 mentally capable, terminally ill individuals with six months or  
6 less to live to voluntarily request and receive prescription  
7 medication that allows the individual to die in a peaceful,  
8 humane, and dignified manner.

9           The legislature further finds that Hawaii's unique  
10 geography and shortage of physicians create barriers for  
11 qualified terminally ill individuals to access health care.  
12 Finding a physician may be burdensome, especially for  
13 individuals on the neighbor islands. Hawaii gives advanced  
14 practice registered nurses full scope of practice licensure;  
15 however, they do not have authority to administer medical-aid-  
16 in-dying, thereby further limiting access to care for many  
17 individuals. Furthermore, evidence from other states that



1 authorize medical-aid-in-dying demonstrates that even with full  
2 access to a supportive health care facility and providers, a  
3 high percentage of terminally ill individuals die while waiting  
4 to complete the regulatory requirements to qualify for  
5 medication under the respective state laws. Hawaii has the  
6 longest mandatory waiting period amongst all ten medical-aid-in-  
7 dying authorized states and the District of Columbia. Many  
8 patients are not surviving the mandatory twenty days between the  
9 initial and second oral requests required for the prescription.

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

- 12 (1) Authorize advanced practice registered nurses to  
13 practice medical-aid-in-dying in accordance with their  
14 scope of practice and prescribing authority;
- 15 (2) Authorize licensed advanced practice registered nurses  
16 and clinical nurse specialists with psychiatric or  
17 mental health training and licensed marriage and  
18 family therapists, in addition to psychiatrists,  
19 psychologists, and clinical social workers, to provide  
20 counseling to a qualified patient;



1 (3) Reduce from twenty to five days, the mandatory waiting  
2 period between the two oral requests required for a  
3 qualified patient to obtain a prescription for  
4 medication that may be self-administered to end the  
5 patient's life in accordance with applicable state  
6 law; and

7 (4) Waive the mandatory waiting period for terminally ill  
8 qualified patients who are not expected to survive the  
9 mandatory waiting period.

10 SECTION 2. Section 327L-1, Hawaii Revised Statutes, is  
11 amended as follows:

12 1. By adding a new definition to be appropriately inserted  
13 and to read:

14 "Advanced practice registered nurse" means a registered  
15 nurse licensed to practice in the State who has met the  
16 qualifications of chapter 457 and who, because of advanced  
17 education and specialized clinical training, is authorized to  
18 assess, screen, diagnose, order, utilize, or perform medical,  
19 therapeutic, preventive, or corrective measures, including  
20 prescribing medication."



1           2. By amending the definition of "attending provider" to  
2 read:

3           ""Attending provider" means a physician licensed pursuant  
4 to chapter 453 or advanced practice registered nurse licensed  
5 pursuant to chapter 457 who has responsibility for the care of  
6 the patient and treatment of the patient's terminal disease."

7           3. By amending the definitions of "consulting provider"  
8 and "counseling" to read:

9           ""Consulting provider" means a physician licensed pursuant  
10 to chapter 453 who is qualified by specialty or experience to  
11 make a professional diagnosis and prognosis regarding the  
12 patient's disease [-] or advanced practice registered nurse  
13 licensed pursuant to chapter 457 who is qualified by specialty  
14 or experience to diagnose and prescribe medication.

15           "Counseling" means one or more consultations, which may be  
16 provided through telehealth, as necessary between a psychiatrist  
17 licensed under chapter 453, psychologist licensed under chapter  
18 465, [e] clinical social worker licensed pursuant to chapter  
19 467E, advanced practice registered nurse or clinical nurse  
20 specialist licensed under chapter 457 with psychiatric or mental  
21 health training, or marriage and family therapist licensed



1 pursuant to chapter 451J, and a patient for the purpose of  
2 determining that the patient is capable, and that the patient  
3 does not appear to be suffering from undertreatment or  
4 nontreatment of depression or other conditions [~~which~~] that may  
5 interfere with the patient's ability to make an informed  
6 decision pursuant to this chapter."

7 SECTION 3. Section 327L-2, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 " ~~[+]§327L-2[+]~~ Oral and written requests for medication;  
10 initiated. ~~[An]~~ Except as otherwise provided in section  
11 327L-11(c), an adult who is capable, is a resident of the State,  
12 and has been determined by an attending provider and a  
13 consulting provider to be suffering from a terminal disease, and  
14 who has voluntarily expressed the adult's wish to die, may,  
15 pursuant to section 327L-9, submit:

16 (1) Two oral requests, a minimum of [~~twenty~~] five days  
17 apart; and

18 (2) One written request,  
19 for a prescription for medication that may be self-administered  
20 for the purpose of ending the adult's life in accordance with  
21 this chapter. The attending provider shall directly, and not



1 through a designee, receive all three requests required pursuant  
2 to this section."

3 SECTION 4. Section 327L-9, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "~~[+]§327L-9[+]~~ Written and oral requests. ~~[Te]~~ Except as  
6 otherwise provided in section 327L-11(c), to receive a  
7 prescription for medication that a qualified patient may self-  
8 administer to end the qualified patient's life pursuant to this  
9 chapter, a qualified patient shall have made an oral request and  
10 a written request, and reiterate the oral request to the  
11 qualified patient's attending provider ~~[not]~~ no less than  
12 ~~[twenty]~~ five days after making the initial oral request. At  
13 the time the qualified patient makes the second oral request,  
14 the attending provider shall offer the qualified patient an  
15 opportunity to rescind the request."

16 SECTION 5. Section 327L-11, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "~~[+]§327L-11[+]~~ Waiting periods. ~~[Not]~~ (a) Except as  
19 otherwise provided in subsection (c), no less than ~~[twenty]~~ five  
20 days shall elapse between the qualified patient's initial oral  
21 request for a prescription for medication pursuant to sections



1 327L-2 and 327L-9, and the taking of steps to make available a  
2 prescription pursuant to section 327L-4(a)(12). [~~Not~~]

3 (b) No less than forty-eight hours shall elapse between  
4 the qualified patient's written request for a prescription for  
5 medication pursuant to sections 327L-2 and 327L-9, and the  
6 taking of steps to make available a prescription pursuant to  
7 section 327L-4(a)(12).

8 (c) If the qualified patient's attending provider attests  
9 that the qualified patient will, within a reasonable medical  
10 judgment, die within five days after making the initial oral  
11 request, the five-day waiting period shall be waived and the  
12 qualified patient may reiterate the oral request to the  
13 attending provider at any time after making the initial oral  
14 request."

15 SECTION 6. Section 327L-19, Hawaii Revised Statutes, is  
16 amended by amending subsection (e) to read as follows:

17 "(e) For the purposes of this section:

18 "Notify" means to deliver a separate statement in writing  
19 to a health care provider specifically informing the health care  
20 provider [~~prior to~~] before the health care provider's  
21 participation in actions covered by this chapter of the health





1 care facility's policy regarding participation in actions  
2 covered by this chapter.

3 ~~["Participate]~~ "Participation in actions covered by this  
4 chapter" means ~~[to perform]~~ the performance of duties of an  
5 attending provider pursuant to section 327L-4, the consulting  
6 provider function pursuant to section 327L-5, or the counseling  
7 referral function or counseling pursuant to section 327L-6.

8 ~~[The term]~~ "Participation in actions covered by this chapter"  
9 does not include:

- 10 (1) Making an initial determination that a patient has a  
11 terminal disease and informing the patient of the  
12 medical prognosis;
- 13 (2) Providing information about this chapter to a patient  
14 upon the request of the patient;
- 15 (3) Providing a patient, upon the request of the patient,  
16 with a referral to another ~~[physician,]~~ health care  
17 provider; or
- 18 (4) Entering into a contract with a patient as the  
19 patient's attending provider, consulting provider, or  
20 counselor to act outside of the course and scope of



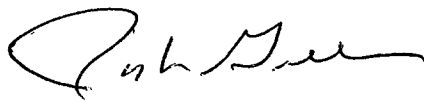
1           the health care provider's capacity as an employee or  
2           independent contractor of a health care facility."

3           SECTION 7. If any provision of this Act, or the  
4 application thereof to any person or circumstance, is held  
5 invalid, the invalidity does not affect other provisions or  
6 applications of the Act that can be given effect without the  
7 invalid provision or application, and to this end the provisions  
8 of this Act are severable.

9           SECTION 8. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11          SECTION 9. This Act shall take effect upon its approval.

APPROVED this 1st day of June , 2023



GOVERNOR OF THE STATE OF HAWAII



HB No. 650, HD 2, SD 1


THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2023  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki  
Speaker  
House of Representatives




Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI'I**

Date: April 11, 2023  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.

  
President of the Senate

  
Clerk of the Senate