

STAND. COM. REP. NO.

2581

Honolulu, Hawaii

MAR 03 2016

RE: S.B. No. 2181

S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2181, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ACCESS TO TREATMENT FOR
TERMINALLY ILL PATIENTS,"

begs leave to report as follows:

The purpose and intent of this measure is to allow, beginning
January 1, 2017, manufacturers of investigational drugs,
biological products, or devices to make available such drugs,
products, or devices to terminally ill patients under certain
conditions.

Your Committee received testimony in support of this measure
from the Hawaii Association for Justice.

Your Committee finds that the process of approval for
investigational drugs and biological products in the United States
protects future patients from premature, ineffective, and unsafe
medications and treatments over the long run, but the process
often takes many years. Patients who have a terminal illness do
not have the luxury of waiting until an investigational drug or
biological product receives final approval from the United States
Food and Drug Administration.

Your Committee further finds that patients who have a
terminal illness have a fundamental right to pursue the
preservation of their own lives by accessing available
investigational drugs or biological products. Several states have



passed "right-to-try" legislation that makes available experimental drugs without Food and Drug Administration approval to terminally ill patients with no other medication or treatment options.

As this measure moves forward in the legislative process, your Committee encourages further discussion among stakeholders concerning any issues related to the enforcement of restrictions on the use of controlled substances potentially implicated by its scope.

Your Committee has amended this measure by:

- (1) Deleting all references to "devices" and "device";
- (2) Inserting language to clarify the authorization of manufacturers to make available drugs and products to terminally ill patients under certain conditions notwithstanding section 328-17, Hawaii Revised Statutes;
- (3) Amending the definition of "terminal illness" to remove the word "soon" as it pertains to when a death or state of permanent unconsciousness will occur; and
- (4) 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 Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2181, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2181, S.D. 2.

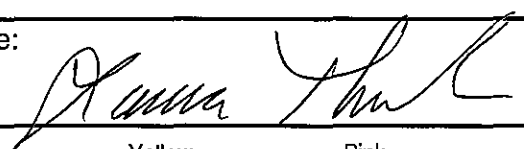
Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2181 SD1	Committee Referral: CPH, JDL	Date: 2/26/16		
<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
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)				/
GABBARD, Mike	/			
KAHELE, Kaiali'i	/			
KIM, Donna Mercado				/
THIELEN, Laura H.	/			
SLOM, Sam				/
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

*Only one measure per Record of Votes