

HOUSE OF REPRESENTATIVES

AMENDMENT TO: H.B. No. 2739, H.D. 1

OFFERED BY: Representative Andria Tupola 

DATE: 3/1/2018

SECTION 1. House Bill No. 2739, H.D. 1 is amended to add additional safeguards and clarity as follows:

1. In section 3 of the bill, by:
 - A. Amending the definition of "adult" to raise the age requirement from eighteen to twenty-one years of age or older;
 - B. Amending the definition of "health care provider" to clarify that the person must be licensed or certified by the law of this State;
 - C. Amending the definition of "prescription" to clarify that the qualified patient must either self-administer, if the patient chooses to do so, or otherwise dispose of the medication properly;
 - D. Amending the definition of "terminal disease" to clarify that the disease must be one that will, within reasonable medical judgment, produce death within six months despite reasonable and ordinary medical treatment;
 - E. On page 13, restoring the requirement that self-administration of the medication prescribed pursuant to this chapter shall be listed on the death certificate as an immediate cause of death;
 - F. On page 17, deleting "evidence that the patient owns or leases property in Hawaii" as a factor that may demonstrate state residency;

- G. On pages 18 and 19, deleting language that would limit the disclosure of information in criminal and civil malpractice proceedings;
 - H. On page 20, requiring the Department of Health to make rules to govern lawful means of disposal of unused medication, and inserting an unspecified felony criminal penalty for failure to lawfully dispose of unused medication;
 - I. On pages 22 through 24, following the recommendations of the Department of the Attorney General by deleting each instance of the term "good faith";
 - J. On page 23, following the recommendations of the Department of the Attorney General by clarifying that health care providers are not required to inform a patient about the option to obtain life-ending medication or refer a qualified patient to another provider if they are unable or unwilling to participate; and
2. By making conforming technical amendments and renumbering sections of the bill accordingly.

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