

STAND. COM. REP. NO. 2980

Honolulu, Hawaii

MAR 22 2016

RE: H.B. No. 2559  
H.D. 1  
S.D. 1

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

Sir:

Your Committee on Commerce, Consumer Protection, and Health,  
to which was referred H.B. No. 2559, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the family court to consider assisted community treatment as an alternative to commitment to a psychiatric facility for a person subject to a petition for involuntary hospitalization; and
- (2) Make permanent statutes establishing criteria and procedures for family court ordered assisted community treatment.

Your Committee received comments on this measure from the Judiciary, Department of Health, Department of the Attorney General, and one individual.

Your Committee finds that there are serious problems of high incarceration and hospitalization rates of those with severe mental illness. Assisted community treatment provides an opportunity for people with serious mental illness to be treated in the least restrictive setting and reduces the trend toward criminalizing mental illness.



Your Committee has amended this measure by:

- (1) Deleting language that would have required a petitioner for involuntary hospitalization to request for the alternative relief of assisted community treatment and request that the family court order the appropriate treatment alternative;
- (2) Deleting language that would have required that the notice in a petition for involuntary hospitalization include a statement that the family court may order assisted community treatment in lieu of involuntary hospitalization;
- (3) Deleting language that would have required that if the family court finds that a person does not meet criteria for involuntary hospitalization, the family court assess whether the person meets criteria for assisted community treatment and, if so, order that treatment to commence;
- (4) Deleting language that would have specified that a petition for assisted community treatment may be initiated independently or as a request for alternative relief in a petition for involuntary hospitalization;
- (5) Inserting a definition for "imminently dangerous to self or others";
- (6) Repealing the authority of a law enforcement officer to take into custody and transport a person subject to an assisted community treatment order to any designated mental health program;
- (7) Requiring a court order stating probable cause to believe a person is mentally ill or suffering from substance abuse, is imminently dangerous to self or others and in need of care or treatment, or both, to also direct the person to be taken into custody and, if subject to an assisted community treatment, transported to any designated mental health program;
- (8) Inserting language that extends the maximum duration of assisted community treatment that may be ordered from one hundred eighty days to one year;

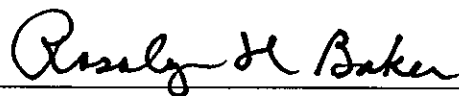


- (9) Inserting language that amends the circumstances under which a subject of an assisted community treatment may be physically forced to take medication;
- (10) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

To assist your Committees on Judiciary and Labor and Ways and Means in their deliberation on this measure, your Committee notes the comments and concerns regarding the ninety day timeframe as used in the definition of "imminently dangerous to self or others" and that the defective effective date indicates that this measure requires further discussion.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2559, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2559, H.D. 1, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce, Consumer  
Protection, and Health,




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ROSALYN H. BAKER, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce, Consumer Protection, and Health**  
**CPH**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2559, HD1	CPH, WAM/JDL	3-17-16		
<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
BAKER, Rosalyn H. (C)	/			
KIDANI, Michelle N. (VC)	/			
ESPERO, Will	/			
IHARA, Jr., Les				/
NISHIHARA, Clarence K.				/
RUDERMAN, Russell E.	/			
SLOM, Sam	/			
<b>TOTAL</b>	<b>5</b>			<b>2</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
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