

STAND. COM. REP. NO.

107

Honolulu, Hawaii

FEB 10 2017

RE: S.B. No. 146

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,  
to which was referred S.B. No. 146 entitled:

"A BILL FOR AN ACT RELATING TO ORDERS FOR TREATMENT OVER  
OBJECTION,"

begs leave to report as follows:

The purpose and intent of this measure is to allow an  
administrative order to authorize psychiatric treatment over a  
patient's objection.

Your Committee received testimony in support of this measure  
from the Department of Health and Hawaii Medical Association.  
Your Committee received testimony in opposition to this measure  
from the American Civil Liberties Union of Hawai'i, Hawaii  
Disability Rights Center, and one individual.

Your Committee finds that it is important for the initiation  
of treatment for patients admitted to the Hawaii State Hospital,  
which is used primarily for forensic commitments, to be expedient  
in order to address patients' psychiatric symptoms, which often  
generate a risk of safety to the patient and others. Expedient  
initiation of treatment will help maintain a safe and secure  
therapeutic environment for patients and staff, and have a  
positive impact on patients' length of stay.

Your Committee further finds that the current method to  
obtain an authorization to provide treatment over a patient's  
objection is by a judicial hearing. The time between petition and

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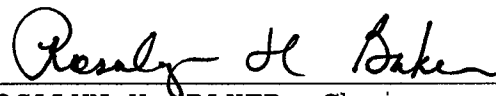
judicial hearing is unpredictable and is on average nearly seventeen days. Your Committee finds that other states have responded to the unpredictability and delay of waiting for court hearings by developing a non-judicial, administrative mechanism to review and authorize requests for treatment over a patient's objection. Your Committee recognizes the importance of providing the details of an administrative process for authorizing treatment over a patient's objection and believes that amendments to this measure are necessary to provide guidance for such a process.

Accordingly, your Committee has amended this measure by:

- (1) Inserting a purpose section;
- (2) Inserting language to create a new part in the Hawaii Revised Statutes to establish criteria for issuance of an administrative order for treatment over a patient's objection and criteria for an administrative authorization process to determine whether an administrative order for treatment over objection should be issued;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; 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 Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 146, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 146, S.D. 1, and be referred to your Committee on Judiciary and Labor.

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



ROSALYN H. BAKER, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

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

Bill / Resolution No.:*	Committee Referral:	Date:		
SB146	CPH, JDL	2/2/17		
<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)	/			
NISHIHARA, Clarence K. (VC)	/			
CHANG, Stanley	/			
ESPERO, Will	/			
IHARA, Jr., Les	/			
KIDANI, Michelle N.				/
RUDERMAN, Russell E.				/
<b>TOTAL</b>	<b>5</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>Clarence K. Nishihara</i></div>				
<b>Distribution:</b> Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes