

STAND. COM. REP. NO.

773

Honolulu, Hawaii

February 15, 2019

RE: H.B. No. 1221

H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 1221  
entitled:

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

begs leave to report as follows:

The purpose of this measure is to amend the definitions of  
"dangerous to others" and "dangerous to self" to include the  
refusal to take medication or undergo mental health treatment  
necessary to help prevent self-inflicted violence and violence to  
others.

The Department of the Attorney General, Department of Health,  
and Hawaii Disability Rights Center testified in support of this  
measure. Kaiser Permanente commented on this measure.

Your Committee notes the concerns of the Department of Health  
in its written testimony on this measure that while this measure's  
proposed revisions to the definitions of "dangerous to other" and  
"dangerous to self" to include refusal of mental health treatment  
may be well intended, these revisions may have a significant  
impact on the implementation of emergency admission, emergency end  
involuntary hospitalization. Refusal of treatment alone is not  
sufficient to establish dangerousness. The refusal of treatment  
must be sufficiently associated with causing an elevated risk of  
danger. Your Committee agrees with the Department of Health in

HB1221 HD1 HSCR HLT HMS 2019-2318



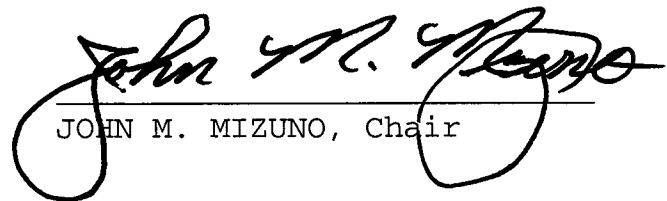
deferring to the Department of the Attorney General for proposed language establishing a link between refusing treatment and dangerousness.

Accordingly, your Committee has amended this measure by:

- (1) Amending the definitions of "dangerous to self" and "dangerous to others" to specify that refusal of medication or mental health treatment is considered to be "dangerous" only if dangerous behaviors will predictably result when the person does not receive medication or mental health treatment;
- (2) Clarifying that the refusal only applies to psychiatric medication;
- (3) Amending the definition of "dangerous to self" to apply only to refusal of psychiatric medication, and expanding the definition to include persons suffering from serious mental illness; and
- (4) Changing its effective date to July 1, 2050.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1221, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1221, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,

  
JOHN M. MIZUNO, Chair



