
A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii's current
2 standard for involuntary hospitalization does not adequately
3 prevent harm, either to persons suffering from mental illness or
4 substance abuse, or to members of the public. The legislature
5 is cognizant that a portion of the mentally ill population,
6 including the chronically homeless, are being deprived of
7 urgent, medically appropriate mental health intervention that is
8 best administered on an inpatient basis.

9 The legislature finds that although mentally ill people
10 have a right to refuse medication or mental health treatment to
11 some degree, steps must be taken to ensure that these
12 individuals take medication and undergo treatment that is
13 necessary to help prevent them from causing danger to themselves
14 and others.

15 The purpose of this Act is to amend the definitions of
16 "dangerous to others" and "dangerous to self" in chapter 334,
17 Hawaii Revised Statutes, to include the refusal to take



1 medication or undergo mental health treatment necessary to help
2 prevent self-inflicted violence and violence to others. This
3 will allow law enforcement and hospital workers to intervene and
4 temporarily take individuals into custody when certain
5 medication is not taken or necessary mental health treatment is
6 not used.

7 SECTION 2. Section 334-1, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By amending the definition of "dangerous to others" to
10 read:

11 "Dangerous to others" means a person who:

12 (1) Is likely to do substantial physical or emotional
13 injury on another, as evidenced by a recent act,
14 attempt or threat[-]; or

15 (2) Refuses to take psychiatric medication or participate
16 in mental health treatment such that it is probable
17 that the person will cause, attempt to cause, or
18 threaten substantial physical or emotional injury on
19 another."

20 2. By amending the definition of "dangerous to self" to
21 read:



- 1 ""Dangerous to self" means the person recently has:
- 2 (1) Threatened or attempted suicide or serious bodily
- 3 harm; [~~or~~]
- 4 (2) Behaved in such a manner as to indicate that the
- 5 person is unable, without supervision and the
- 6 assistance of others, to satisfy the need for
- 7 nourishment, essential medical care, including
- 8 treatment for a mental illness shelter or self-
- 9 protection, so that it is probable that death,
- 10 substantial bodily injury, or serious physical
- 11 debilitation or disease will result unless adequate
- 12 treatment is afforded[-];
- 13 (3) Refused to take psychiatric medication or participate
- 14 in mental health treatment such that is necessary to
- 15 help prevent the person from threatening or attempting
- 16 suicide or serious bodily harm; or
- 17 (4) Suffered from serious mental illness."

18 SECTION 3. This Act does not affect rights and duties that

19 matured, penalties that were incurred, and proceedings that were

20 begun before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2050.

4



Report Title:

Mental Health; Mental Illness; Involuntary Hospitalization

Description:

Amends the definitions of "dangerous to others" and "dangerous to self" to include the refusal to take psychiatric medication or undergo mental health treatment necessary to help prevent self-inflicted violence and violence to others. (HB1221 HD1)

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