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# A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1           SECTION 1. The purpose of this Act is to more effectively  
2 protect mentally ill individuals and the public by:

3           (1) Broadening the term of "imminently dangerous to self  
4           and others" to persons who will likely be dangerous  
5           within the next ninety days, rather than within the  
6           next forty-five days; and

7           (2) Increasing the maximum period of emergency  
8           hospitalization from forty-eight hours to seventy-two  
9           hours.

10          SECTION 2. Section 334-1, Hawaii Revised Statutes, is  
11 amended by amending the definition of "imminently dangerous to  
12 self or others" to read as follows:

13            "Imminently dangerous to self or others" means that,  
14 without intervention, the person will likely become dangerous to  
15 self or dangerous to others within the next [~~forty-five~~] ninety  
16 days."



1 SECTION 3. Section 334-59, Hawaii Revised Statutes, is  
2 amended by amending subsections (d) and (e) to read as follows:

3 "(d) Emergency hospitalization. If the physician,  
4 advanced practice registered nurse, or psychologist who performs  
5 the emergency examination has reason to believe that the patient  
6 is:

7 (1) Mentally ill or suffering from substance abuse;

8 (2) Imminently dangerous to self or others; and

9 (3) In need of care or treatment, or both;

10 the physician, advanced practice registered nurse, or  
11 psychologist may direct that the patient be hospitalized on an  
12 emergency basis or cause the patient to be transferred to  
13 another psychiatric facility for emergency hospitalization, or  
14 both. The patient shall have the right, immediately upon  
15 admission, to telephone the patient's guardian ~~[or]~~, a family  
16 member ~~[including]~~, a reciprocal beneficiary, or an adult  
17 friend, and an attorney. If the patient declines to exercise  
18 that right, the staff of the facility shall inform the adult  
19 patient of the right to waive notification to the guardian,  
20 family ~~[including a]~~ member, or reciprocal beneficiary, and  
21 shall make reasonable efforts to ensure that the patient's



1 guardian [~~or~~], family [~~including a~~], or reciprocal beneficiary[~~7~~  
2 ~~is~~] are notified of the emergency admission, but the patient's  
3 family [~~including a~~] or reciprocal beneficiary[~~7~~] need not be  
4 notified if the patient is an adult and requests that there be  
5 no notification. The patient shall be allowed to confer with an  
6 attorney in private.

7 (e) Release from emergency hospitalization. If at any  
8 time during the period of emergency hospitalization the  
9 responsible physician concludes that the patient no longer meets  
10 the criteria for emergency hospitalization the physician shall  
11 discharge the patient. If the patient is under criminal  
12 charges, the patient shall be returned to the custody of a law  
13 enforcement officer. In any event, the patient must be released  
14 within [~~forty-eight~~] seventy-two hours of the patient's  
15 admission, unless the patient voluntarily agrees to further  
16 hospitalization, or a proceeding for court-ordered evaluation or  
17 hospitalization, or both, is initiated as provided in section  
18 334-60.3. If that time expires on a Saturday, Sunday, or  
19 holiday, the time for initiation is extended to the close of the  
20 next court day. Upon initiation of the proceedings the facility



1 shall be authorized to detain the patient until further order of  
2 the court."

3 SECTION 4. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 5. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on December 31,  
9 2059.



**Report Title:**

Mental Illness; Emergency Hospitalization; Criteria

**Description:**

Broadens the term of "imminently dangerous to self and others" to persons who will likely be dangerous within the next ninety days, rather than within the next forty-five days. Increases the maximum period of emergency hospitalization from forty-eight hours to seventy-two hours. Effective 12/31/2059. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

