

Honolulu, Hawaii

FEB 07 , 2020

RE: H.B. No. 2680  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Human Services & Homelessness, to which was referred H.B. No. 2680 entitled:

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

begs leave to report as follows:

The purpose of this measure is to more effectively protect mentally ill individuals and the public by:

- (1) Restoring the categories of "gravely disabled" and "obviously ill" to the criteria for involuntary hospitalization; and
- (2) Increasing the maximum period of emergency hospitalization from 48 hours to 72 hours.

Your Committee received testimony in support of this measure from the Department of Health, Department of Public Safety, and five individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and one individual. Your Committee received comments on this measure from the Department of the Attorney General, The Queen's Health Systems, and one individual.

Your Committee finds that the use of involuntary hospitalizations must strike the appropriate balance between



protecting the community and providing treatment to individuals posing a danger to themselves or others, while also protecting the constitutional rights of those individuals. In attempting to achieve this balance, your Committee finds merit in attempting to broaden the criteria for involuntary hospitalization. However, your Committee has heard the concerns that this measure, as written, may be subject to constitutional challenge because imminent danger is required prior to involuntary hospitalization, although it is unclear whether grave disability or obvious illness are equivalent to imminent danger. Broadening the interpretation of this term could better fulfill the intent of this measure to protect communities and provide necessary treatment to individuals who pose a danger to themselves or others.

Your Committee is aware of the concerns raised by The Queen's Health Systems that this measure may increase volume for involuntarily committed patients who are transferred to hospitals. Your Committee acknowledges these concerns; however, it is the Legislature's intent to increase the capacity of mental health services beds, which hopefully will help address any increase in patients that may be covered by this measure.

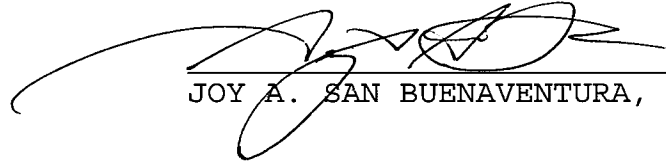
Accordingly, your Committee has amended this measure by:

- (1) Removing language that would have statutorily restored the categories of "gravely disabled" and "obviously ill" to the criteria for involuntary hospitalization;
- (2) Broadening the term of "imminently dangerous to self and others" to persons who will likely be dangerous within the next 90 days, rather than within the next 45 days;
- (3) Changing the effective date to December 31, 2059, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2680, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2680, H.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committee on Human Services &  
Homelessness,

  
JOY A. SAN BUENAVENTURA, Chair



