
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 the State has a
2 responsibility to assist homeless individuals who are distressed
3 or gravely disabled obtain critically needed care. The
4 legislature recognizes that, in some cases, individuals who need
5 emergency shelter or homeless services are incapable, due to
6 mental illness, of seeking this help on their own.

7 The legislature also recognizes that the 2016 policy
8 platform of the National Alliance on Mental Illness advocates
9 for states to adopt "broader, more flexible standards that would
10 provide for involuntary commitment [and] court ordered treatment
11 when an individual, due to mental illness . . . is gravely
12 disabled." The alliance defines "gravely disabled" as meaning
13 an individual is unable to provide for basic needs "such as
14 food, clothing, shelter, health, or safety."

15 Accordingly, the purpose of this Act is to:

- 16 (1) Amend the criteria used for admitting an individual
17 for evaluation and care by a psychiatric facility to



1 include individuals having a mental illness that
2 prevents them from seeking adequate shelter; and

- 3 (2) Allow psychiatric facilities to transfer homeless
4 individuals admitted for psychiatric care to homeless
5 facilities under certain circumstances.

6 SECTION 2. Chapter 334, Hawaii Revised Statutes, is
7 amended by adding a new section to part V to be appropriately
8 designated and to read as follows:

9 "§334- Transfer of homeless individuals. (a) Upon
10 confirmation from a homeless facility that shelter and services
11 are available for the care and treatment of a homeless
12 individual previously admitted to a psychiatric facility, the
13 administrator of the psychiatric facility or the administrator's
14 deputy may transfer the homeless individual on a voluntary or
15 involuntary basis to an emergency shelter, homeless facility, or
16 transitional shelter for care and services; provided that:

- 17 (1) The homeless facility confirms that the individual is
18 eligible for services;

- 19 (2) The individual is not dangerous to others, dangerous
20 to property, or imminently dangerous to self or



1 others, as those terms are defined in this chapter;

2 and

3 (3) The homeless individual was not admitted or committed
4 pursuant to court order as provided in chapters 571,
5 704, and 706, or transferred under section 334-74.

6 (b) For the purposes of this section, "emergency shelter",
7 "homeless facility", and "transitional shelter" shall have the
8 same meaning as those terms are defined in section 346-361."

9 SECTION 3. Section 334-1, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By adding a new definition to be appropriately inserted
12 and to read:

13 "Gravely disabled" means a condition in which a person is
14 unable, without supervision or the assistance of others, to
15 prevent physical or psychiatric deterioration or to satisfy the
16 need for nourishment, shelter, self-protection, or essential
17 medical care, including treatment for mental illness, so that it
18 is probable that death, substantial bodily injury, or serious
19 physical debilitation or disease will result unless adequate
20 treatment is obtained."



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

"Dangerous to self" means the person [~~recently has~~]:

(1) [~~Threatened~~] Has recently threatened or attempted suicide or serious bodily harm; or

(2) [~~Behaved in such a manner as to indicate that the person is unable, without supervision and the assistance of others, to satisfy the need for nourishment, essential medical care, including treatment for a mental illness, shelter or self-protection, so that it is probable that death, substantial bodily injury, or serious physical debilitation or disease will result unless adequate treatment is afforded.~~] Is gravely disabled."

3. By amending the definition of "imminently dangerous to self or others" to read:

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



H.B. NO. 1248

1 SECTION 4. Section 560:5-102, Hawaii Revised Statutes, is
2 amended by amending the definition of "incapacitated person" to
3 read as follows:

4 ""Incapacitated person" means an individual who, for
5 reasons other than being a minor, is unable to receive and
6 evaluate information or make or communicate decisions to such an
7 extent that the individual lacks the ability to meet essential
8 requirements for adequate shelter, physical health, safety, or
9 self-care, even with appropriate and reasonably available
10 technological assistance."

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect upon its approval.

14

INTRODUCED BY:



JAN 27 2021



H.B. NO. 1248

Report Title:

Mental Illness; Emergency Hospitalization; Criteria; Homeless Facility

Description:

Amends the criteria used for admitting an individual for evaluation and care by a psychiatric facility to include individuals having a mental illness that prevents them from seeking adequate shelter. Allows psychiatric facilities to transfer homeless individuals admitted for psychiatric care to homeless facilities under certain circumstances.

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