

STAND. COM. REP. NO. 136

Honolulu, Hawaii

FEB 10 , 2021

RE: H.B. No. 310

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Health, Human Services, & Homelessness, to which was referred H.B. No. 310 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Amend the definition of "imminently dangerous to self or others"; and
- (2) Authorize the involuntary treatment of certain patients subject to emergency hospitalization.

Your Committee received testimony in support of this measure from the Mayor's Office of Housing in the City and County of Honolulu; Hawaii Substance Abuse Coalition; Hawaii Psychological Association; The Institute for Human Services, Inc.; and eight individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, Drug Policy Forum of Hawaii, Hawaii Health & Harm Reduction Center, American Civil Liberties Union of Hawaii, and eight individuals. Your Committee received comments on this measure from the Department of the Attorney General, Department of Health, Hawaii Disability Rights Center, The Queen's Health Systems, and one individual.

2021-1276 HB310 HD1 HSCR HMSO



Your Committee finds that extending the time frame for when a person can be determined as imminently dangerous from forty-five to ninety days and allowing for the involuntary treatment of persons who are subject to emergency hospitalization, have been diagnosed with a serious mental illness or severe substance use disorder, and are deemed to be lacking decisional capacity by qualified medical personnel will increase the likelihood that these individuals will receive timely and appropriate treatment.

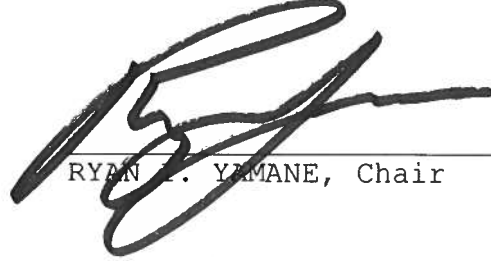
Your Committee has amended this measure by:

- (1) Removing the requirement that an emergency examination occur in a hospital;
- (2) Clarifying that involuntary treatment of individuals subject to emergency hospitalization may include the use of long-term injectable psychotropics;
- (3) Requiring the assessment of individuals who are subject to emergency hospitalization, diagnosed with a serious mental illness or serious substance use disorder, and found to be lacking decisional capacity to determine if the appointment of a surrogate or guardian is needed to make appropriate health care decisions for the individual;
- (4) Changing the effective date to July 1, 2060, to encourage further discussion; and
- (5) 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 Health, Human Services, & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 310, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 310, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



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



RYAN L. YAMANE, Chair



