

STAND. COM. REP. NO.

588

Honolulu, Hawaii

FEB 19 , 2021

RE: H.B. No. 310
H.D. 2

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 310, H.D. 1, 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";
- (2) Authorize the involuntary treatment of certain patients subject to emergency hospitalization; and
- (3) Require the assessment of certain patients subject to emergency hospitalization to determine if a surrogate or guardian needs to be appointed to make appropriate health care decisions for the patient.

Your Committee received testimony in support of this measure from the Hawaii Substance Abuse Coalition, Institute for Human Services, Kealahou West Oahu, and six individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, American Civil Liberties Union of Hawaii, and one individual. Your Committee received comments on this

2021-1794 HB310 HD2 HSCR HMSO



measure from the Department of the Attorney General, Department of Health, and Hawaii Disability Rights Center.

Your Committee finds that this measure will better assist individuals suffering from serious mental illness or severe substance abuse by authorizing timely and appropriate treatment.

Your Committee has amended this measure by:

- (1) Limiting the maximum amount of time persons subject to emergency hospitalization, diagnosed with a serious mental illness or severe substance use disorder, or found to be lacking decisional capacity may be involuntarily treated for up to thirty days;
- (2) Deleting the definition of "imminently dangerous to self or others" from section 334-161, Hawaii Revised Statutes, to conform with this measure; and
- (3) 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 310, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 310, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



