

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 199
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committees on Human Services and Health, to which was referred S.B. No. 199 entitled:

"A BILL FOR AN ACT RELATING TO ASSISTED COMMUNITY TREATMENT,"

beg leave to report as follows:

The purpose and intent of this measure is to better serve Hawaii's mentally ill population by mandating appointment of a guardian ad litem to represent the best interest of a mentally ill individual in assistant community treatment (ACT).

Your Committees received testimony in support of this measure from Bay Clinic; Huli Au Ola, Maui County Area Health Education Center; Hawaii Substance Abuse Coalition; The Institute for Human Services, Inc.; St. Elizabeth's Church; Ohana Health Plan; Habitat for Humanity Hawaii Island, Inc.; St. Michael the Archangel Parish; Community Alliance Partners; BRE Hotels & Resorts; and twelve individuals. Your Committees received comments on this measure from the Judiciary, Department of the Attorney General, Office of the Public Defender, Department of Health, and Hawaii Disability Rights Center.

Your Committees find that mentally ill individuals are not adequately represented at ACT or MH-1 proceedings. Your Committees also find that by requiring the appointment of a guardian ad litem for subjects of ACT and MH-1 proceedings, and by eliminating the requirement that the subject of a petition be



present at the hearing (provided that the subject has been served with the petition and the subject's guardian ad litem is present), these individuals will be better represented during these proceedings.

Your Committees have amended this measure by:

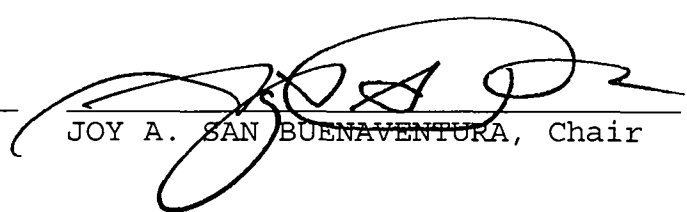
- (1) Adding applications for emergency examination and hospitalization (MH-1) to be included in the proceedings covered by this measure requiring the appointment of a guardian ad litem;
- (2) Inserting an effective date of May 1, 2029, to encourage further discussion;
- (3) Amending section 1 to reflect its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 199, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 199, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Human Services
and Health,



JARRETT KEOHOKALOLE, Chair

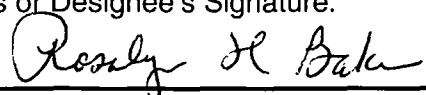


JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB199	HMS/HTH, JDC	2-9-2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
BAKER, Rosalyn (VC)	✓			
MORIWAKI, Sharon Y.				✓
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt	✓			
TOTAL	4	-	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes