

JAN 24 2024

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 chapters of the
2 Hawaii Revised Statutes relating to mental health and
3 involuntary transport, examination, hospitalization, and
4 treatment have been amended in a piecemeal manner over the past
5 several decades. This has led to some lack in clarity and
6 inconsistencies. It is imperative that such an important part
7 of state law receives full and deliberate attention from time to
8 time to ensure the law's continued force and effectiveness.

9 The legislature further finds that a comprehensive review
10 of the Hawaii Penal Code has been conducted every decade since
11 the Code's enactment in 1972. The legislature believes that
12 periodically reviewing Hawaii's mental health laws would also be
13 helpful to advance the overall goal of improving mental health
14 in the State, especially for those unable to help themselves.

15 The purpose of this Act is to require the department of
16 health to convene an advisory committee on mental health code
17 review every ten years.



1 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§321- Advisory committee on mental health code review;
5 report. (a) Beginning July 1, 2025, and every ten years
6 thereafter, the department of health shall convene an advisory
7 committee on mental health code review. The scope of the
8 advisory committee's review shall be determined by the
9 department of health; provided that every advisory committee
10 shall review all federal and state court cases and
11 constitutional, statutory, and rule changes impacting the Hawaii
12 Revised Statutes that relate to mental health and involuntary
13 transport, examination, hospitalization, and treatment,
14 including assisted community treatment, since the previous
15 advisory committee's review.

16 (b) Membership of the advisory committee on mental health
17 code review shall be as follows:

- 18 (1) The director of health, or the director's designee;
19 (2) The attorney general, or the attorney general's
20 designee;



- 1 (3) A representative from the department of health, adult
2 mental health division, to be selected by the director
3 of health;
- 4 (4) A representative from the department of corrections
5 and rehabilitation, to be selected by the director of
6 corrections and rehabilitation;
- 7 (5) A representative of the judiciary, to be selected by
8 the chief justice;
- 9 (6) A member of the senate standing committee with primary
10 subject matter jurisdiction over health or human
11 services, to be selected by the senate president;
- 12 (7) A member of the house of representatives standing
13 committee with primary subject matter jurisdiction
14 over health or homelessness, to be selected by the
15 speaker of the house of representatives;
- 16 (8) A representative from the prosecutor's office of each
17 county, to be selected by the respective prosecuting
18 attorney of each county;
- 19 (9) A representative from the city and county of
20 Honolulu's crisis outreach response and engagement



1 program, to be selected by the mayor of the city and
2 county of Honolulu;

3 (10) A representative from a private nonprofit human
4 services organization focused on ending or preventing
5 homelessness, to be selected by the director of
6 health;

7 (11) Four members with relevant experience and expertise as
8 a:

9 (A) Psychologist or social worker;

10 (B) Psychiatrist;

11 (C) Representative from a residential treatment
12 program; or

13 (D) Representative from a mental health advocacy
14 group;

15 provided further that the president of the senate and
16 speaker of the house of representatives shall each
17 select two members; and

18 (12) Any other representatives the advisory committee deems
19 necessary.

20 (c) The members of the advisory committee on mental health
21 code review shall serve without compensation but shall be



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1 reimbursed for expenses, including travel expenses, necessary
2 for the performance of their duties. The department of health
3 shall request the necessary funding for the advisory committee
4 to conduct its review during the regular session immediately
5 preceding the convening of the advisory committee.

6 (d) The advisory committee on mental health code review
7 shall submit a report of its findings and recommendations,
8 including any proposed legislation, to the legislature no later
9 than twenty days prior to the convening of the regular session
10 immediately following the convening of the advisory committee."

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

13

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "J. M. ...", written over a horizontal line.

S.B. NO. 2992

Report Title:

DOH; Advisory Committee on Mental Health Code Review

Description:

Beginning 7/1/2025, and occurring every ten years thereafter, requires the Department of Health to convene an Advisory Committee on Mental Health Code Review.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

