

JAN 17 2024

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# A BILL FOR AN ACT

RELATING TO HEALTH CARE FEES OF DETAINEES AND COMMITTED PERSONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 353, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§353-     Medical, dental, or mental health services or  
5 treatment; fees prohibited. Notwithstanding section 353-13.5,  
6 the department of corrections and rehabilitation shall not  
7 assess any fees upon detainees or committed persons for any  
8 medical, dental, or health services or treatment; provided that  
9 the medical, dental, or health services or treatment is provided  
10 within a public correctional institution that is in the State.

11 "Medical, dental, or health services or treatment" shall  
12 include:

- 13           (1) Medication;  
14           (2) Prosthetic purchases;  
15           (3) Detainee or committed person elective physician  
16 visits, including dietetic consultations that are  
17 unrelated to a medical condition or chronic disease;



- 1        (4) Detainee or committed person elective medical and
- 2                dental procedures; and
- 3        (5) Treatment for self-induced injuries."

4        SECTION 2. Section 353-13.1, Hawaii Revised Statutes, is  
5 repealed.

6        [~~"§353-13.1 Nonemergency medical, dental, mental health~~  
7 ~~services or treatment; intentional injury; payment by inmates.~~

8        ~~(a) The department of corrections and rehabilitation may~~  
9 ~~develop policies and procedures governing the assessment of fees~~  
10 ~~upon detainees and committed persons who receive certain~~  
11 ~~medical, dental, or mental health services or treatment. In~~  
12 ~~adopting these policies and procedures, the department shall~~  
13 ~~safeguard the health and welfare of detainees and committed~~  
14 ~~persons.~~

15        ~~(b) The policies and procedures shall enable the~~  
16 ~~department to assess fees upon detainees and committed persons~~  
17 ~~who:~~

- 18        ~~(1) Request certain nonemergency medical, dental, or~~
- 19                ~~mental health services or treatment; or~~
- 20        ~~(2) Intentionally inflict injury to themselves.~~



1       ~~(e) The policies and procedures shall include an appeals~~  
2 ~~process to allow a detainee or committed person to appeal the~~  
3 ~~assessment.~~

4       ~~(d) The department of corrections and rehabilitation may~~  
5 ~~adopt policies and procedures to establish a fee schedule for~~  
6 ~~medical, dental, and mental health services or treatment under~~  
7 ~~the following conditions:~~

8       ~~(1) Fees shall be assessed from the detained or committed~~  
9       ~~person's individual trust account pursuant to section~~  
10       ~~353-20; and~~

11       ~~(2) Fees shall not be assessed if the individual trust~~  
12       ~~account balance is less than \$10; provided that the~~  
13       ~~department may implement a procedure to recover fees~~  
14       ~~in the future." ]~~

15       SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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

# S.B. NO. 2013

**Report Title:**

Department of Corrections and Rehabilitation; Inmates;  
Detainees; Committed Persons; Medical, Dental, or Mental Health  
Services or Treatment; Fees Prohibited

**Description:**

Prohibits the assessment of fees upon inmates for medical,  
dental, or mental health services or treatment that is provided  
within a public correctional institution in the State.

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

