
A BILL FOR AN ACT

RELATING TO HEALTH.

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

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

"§321- Use of restraint or seclusion limited; minors; vulnerable adults. (a) No hospital or other medical facility shall restrain or subject to seclusion a minor or vulnerable adult patient, except:

(1) When:

(A) Necessary to prevent injury to the patient or others;

(B) Part of a treatment plan; or

(C) Necessary to preserve the rights of others; and

(2) Only after other less intrusive interventions have:

(A) Failed; or

(B) Been determined to be inappropriate for the patient;



1 provided that the restraint or seclusion shall only be used for
2 as long as the danger from not using the restraint or seclusion
3 persists.

4 (b) No physical restraint may be imposed on any patient
5 that is threatening to the life of the patient, including
6 physical restraint that may restrict breathing.

7 (c) As used in this section:

8 "Chemical restraint" means a drug or medication
9 administered to a patient to control behavior or restrict
10 freedom of movement; provided that the term does not include a
11 drug or medication that is:

12 (1) Prescribed by a licensed physician, or other qualified
13 health professional acting under the scope of the
14 professional's authority under state law, for the
15 standard treatment of a patient's medical or
16 psychiatric condition; and

17 (2) Administered as prescribed by a licensed physician or
18 other qualified health professional acting under the
19 scope of the professional's authority under state law.



1 "Mechanical restraint" means the use of devices to restrict
2 a patient's freedom of movement or ability to communicate in the
3 patient's primary language or mode of communication.

4 "Physical restraint" means a personal restriction, other
5 than a chemical or mechanical restraint, that immobilizes or
6 reduces the ability of a patient to move the patient's arms,
7 legs, or head freely.

8 "Restraint" means:

9 (1) A mechanical restraint;

10 (2) A chemical restraint; or

11 (3) A physical restraint.

12 "Seclusion" means the confinement of a patient alone in a
13 room or structure from which the patient is physically denied
14 voluntary egress."

15 SECTION 2. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 3. New statutory material is underscored.



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

2

INTRODUCED BY: _____

JAN 23 2025



H.B. NO. 1394

Report Title:

Restraint; Seclusion; Minors; Vulnerable Adults; Hospitals;
Medical Facilities

Description:

Prohibits hospitals and medical facilities from using mechanical, chemical, or physical restraints or seclusion on minors and vulnerable adult patients, except when necessary.

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