

Honolulu, Hawaii

APR 24 2025

RE: S.B. No. 1322
S.D. 2
H.D. 2
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1322, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Require the Department of Health to submit annual reports to the Legislature on emergency transportations and assisted community treatment petitions and orders, based on information provided by service providers;
- (2) Clarify the procedures for emergency transportation, examination, and hospitalization for individuals who may be mentally ill or suffering from substance abuse who are imminently dangerous to self or others;



- (3) Require treatment providers to provide relevant information to the Attorney General for purposes of preparing an assisted community treatment petition;
- (4) Amend the procedures for involuntary hospitalizations and assisted community treatment petitions; and
- (5) Clarify the circumstances under which a subject of an assisted community treatment order can be administered medication over objection.

Your Committee on Conference finds that given the increasing number of individuals in the State impacted by mental health challenges, establishing a clear and effective mental health care system has become an urgent priority. Your Committee on Conference further finds that a systematic review and refinement of the intricate mental health laws outlined in chapter 334, Hawaii Revised Statutes, is necessary to provide clarification and clear guidance of the procedures related to emergency transport, emergency examination, and emergency hospitalization and mechanisms to engage individuals in treatment over their objection, including assisted community treatment. This measure provides a comprehensive update to the State's mental health care laws to clarify and streamline existing procedures and strengthen the legal framework for supporting individuals suffering from mental illness or substance abuse.

Your Committee on Conference has amended this measure by:

- (1) Clarifying the Department of Health's annual reporting requirements on emergency transportations and assisted community treatment petitions and orders;
- (2) Deleting language that would have authorized a law enforcement officer to temporarily detain an individual specifically at law enforcement facilities, upon initiating emergency transportations under certain circumstances;
- (3) Inserting language to clarify that for an emergency transportation initiated by a health care provider, the examining health care provider is authorized to:
 - (A) Direct a law enforcement officer to detain and transport the individual by ambulance or other suitable means to a psychiatric facility or other



facility designated by the director for an emergency examination; and

- (B) Administer treatment, within the examining health care provider's scope of practice, as necessary for the individual's safe transportation;
- (4) Clarifying that those performing the emergency transport, rather than the health care provider, shall coordinate the transport of the individual with the mental health emergency worker;
- (5) Clarifying the procedures for an emergency examination pursuant to an emergency transportation initiated by a law enforcement officer, court order, or health provider under chapter 334, Hawaii Revised Statutes, including:
 - (A) Authorizing a physician assistant and psychologist to conduct an initial examination and screening, to determine whether the criteria for involuntary hospitalization persists; and
 - (B) Requiring, rather than authorizing, further examination by a qualified psychiatric examiner if after the initial examination, screening, and treatment, the examining health care provider determines that the involuntary hospitalization criteria persists;
- (6) Inserting language to authorize a single psychiatrist, rather than a panel of three, to provide administrative authorization for medical treatment over the objection of a patient who is in the custody of the Director of Health and in a psychiatric facility;
- (7) Amending section 1 to reflect its amended purpose;
- (8) Making it effective upon its approval; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1322, S.D. 2, H.D. 2, as amended herein, and recommends




that it pass Final Reading in the form attached hereto as S.B.
No. 1322, S.D. 2, H.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE


ON THE PART OF THE SENATE



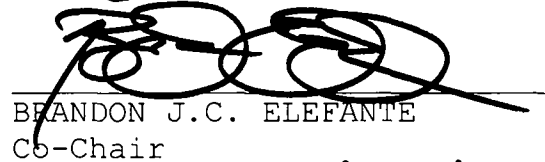
GREGG TAKAYAMA
Co-Chair



MAHINA POEPOE
Co-Chair



JOY A. SAN BUENAVENTURA
Chair



BRANDON J.C. ELEFANTE
Co-Chair





KARL RHOADS
Co-Chair



Hawai'i State Legislature

Record of Votes of a Conference Committee

CCR 87

Bill / Concurrent Resolution No.: SB 1322, SD 2, HD 2					Date/Time: 4/24/25 3:50 PM				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
SAN BUENAVENTURA, Joy A., Chr.	✓				TAKAYAMA, Gregg, Co-Chr.	✓			
ELEFANTE, Brandon J.C., Co-Chr.	✓				POEPOE, Mahina, Co-Chr.		✓		
RHOADS, Karl, Co-Chr.	✓				GARCIA, Diamond	✓			
FEVELLA, Kurt				✓					
TOTAL	3	-	-	1	TOTAL	2	1	-	-
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
Distribution:									
Original <i>File with Conference Committee Report</i>					Yellow <i>House Clerk's Office</i>	Pink <i>Senate Clerk's Office</i>	Goldenrod <i>Drafting Agency</i>		