

STAND. COM. REP. NO.

1767

Honolulu, Hawaii

MAR 19 , 2025

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

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

Madame:

Your Committee on Health, to which was referred S.B. No. 1322, S.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify the procedures for emergency transportation, examination, and hospitalization for individuals who may be mentally ill or suffering from substance abuse and are imminently dangerous to self or others;
- (2) Require treatment providers to provide relevant treatment information to the Department of the Attorney General, upon the Department's request, for purposes of preparing a petition for assisted community treatment;
- (3) Expand notice requirements during emergency hospitalization to include an individual's health care surrogate and allow an individual to waive notice of the hearing to the individual's family members;



- (4) Remove the authority of the Family Court to appoint a legal guardian or conservator in a proceeding for involuntary hospitalization;
- (5) Remove the requirement that psychiatric facilities wait for responses from interested parties to a notice of intent to discharge a patient from involuntary hospitalization before discharging the patient;
- (6) Clarify the circumstances under which the subject of an order for assisted community treatment can be administered medication over the subject's objection;
- (7) Remove the requirement that an assisted community treatment provider assess whether the subject of an order for assisted community treatment who fails to comply with that order meets the criteria for involuntary hospitalization; and
- (8) Allow 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.

Your Committee received testimony in support of this measure from the Office of the Governor; Department of Law Enforcement; Department of the Attorney General; Department of Health; Hawaii Substance Abuse Coalition; National Alliance on Mental Illness - Hawaii; and one individual. Your Committee received comments on this measure from the Hawaii Health Systems Corporation Corporate Board of Directors; Hawaii Disability Rights Center; Hawai'i Pacific Health; and The Queen's Health Systems.

Your Committee finds that as the number of individuals suffering from mental illness or substance use disorders increases there is a pressing need to enhance, clarify, and update the State's mental health laws to ensure the State has access to a wide range of tools to assist these individuals. Your Committee further finds that legal mechanisms, such as emergency transport, examination, and hospitalization, enable the State and mental health providers to provide compassionate assistance to individuals suffering from mental illness or substance abuse when they need it the most. This measure lowers barriers to accessing



health care and ensures consistent implementation of methods to engage with individuals who are experiencing a behavioral health or substance abuse crisis, which will support their stabilization and recovery.


Your Committee has amended this measure by:

- (1) Requiring a health care provider who is initiating the emergency transportation of an individual to first contact a mental health emergency worker and get confirmation that the individual is imminently dangerous to self or others prior to the individual being transported to an appropriate facility;
- (2) Requiring an individual admitted to a facility under emergency hospitalization to be released within forty-eight hours of admission, rather than seventy-two hours;
- (3) Establishing limitations on liability for state and county governments, private sector and nonprofit organizations, state and county employees, and certain health care professionals arising from emergency procedures and for assisted community treatment providers; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1322, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1322, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on
behalf of the members of the
Committee on Health,



GREG TANAYAMA, Chair



HSCR 1367

Bill/Resolution No.: SB 1322, SD2		Committee Referral: HLT, JHA		Date: March 14, 2025	
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.					
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)					
HLT Members		Ayes	Ayes (WR)	Nays	Excused
1. TAKAYAMA, Gregg (C)		X			
2. KEOHOKAPU-LEE LOY, Sue L. (VC)		X			
3. AMATO, Terez		X			
4. CHUN, Cory M.		X			
5. MARTEN, Lisa		X			
6. OLDS, Ikaika		X			
7. TAKENOUCHI, Jenna		X			
8. ALCOS III, David		X			
9. GARCIA, Diamond		X			
TOTAL (9)		9			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. _____ committee acronym(s)					
Vice Chair's or designee's signature: _____					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					