

STAND. COM. REP. NO.

2032

Honolulu, Hawaii

APR 04 , 2025

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

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

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 1322, S.D. 2, H.D. 1, 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 emergency transportation, examination, and hospitalization procedures for individuals who may be mentally ill or suffering from substance abuse and are imminently dangerous to self or others;
- (2) Establish limitations on liability for state and county governments, private sector and nonprofit organizations, state and county employees, and certain health care professionals from emergency procedures;
- (3) 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;
- (4) Amend the procedures for involuntary hospitalizations and assisted community treatment petitions;

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- (5) Clarify the circumstances under which a subject of an order for assisted community treatment can be administered medication over the subject's objection;
- (6) Establish limitations on liability for assisted community treatment providers; and
- (7) 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 Department of the Attorney General; Department of Health; Department of Law Enforcement; Hawaii Health Systems Corporation; Hawaii Substance Abuse Coalition; The Institute for Human Services, Inc.; and one individual. Your Committee received testimony in opposition to this measure from Hawaii Disability Rights Center and ACLU Hawai'i. Your Committee received comments on this measure from The Queen's Health Systems; Hawai'i Pacific Health; and Adventist Health Castle.

Your Committee finds that the number of individuals in need of mental health assistance is growing and that there is a need to update the State's mental health laws to reduce complexity and improve the legal mechanisms available to assist these individuals. This measure updates and clarifies certain mental health laws in order to enhance the State's ability to assist and provide treatment for individuals in need of mental health support.

Your Committee has amended this measure by:

- (1) Requiring 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) Clarifying that a law enforcement officer may temporarily detain an individual at law enforcement facilities if the individual is in need of an emergency



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examination and the officer is unable to reach a mental health emergency worker;

- (3) Amending the procedures for emergency transportations initiated by health care providers;
- (4) Extending the duration of emergency hospitalizations from forty-eight hours to seventy-two hours;
- (5) Deleting language that would have established limitations on liability for state and county governments, private sector and nonprofit organizations, state and county employees, and certain health care professionals from emergency procedures;
- (6) Clarifying the procedures for when an individual fails to comply with an order for assisted community treatment;
- (7) Deleting language that would have established limitations on liability for assisted community treatment providers;
- (8) Deleting language that would have allowed 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; and
- (9) 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1322, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1322, S.D. 2, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



HBGR 2032

Bill/Resolution No.: SB1322 HD2 HDI		Committee Referral: HLT, JHA		Date: 03/25/2025
<input checked="" 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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. BELATTI, Della Au	✓			
4. COCHRAN, Elle	✓			
5. HASHEM, Mark J.	✓			
6. KAHALOA, Kirstin				✓
7. PERRUSO, Amy A.	✓			
8. TAKAYAMA, Gregg	✓			
9. TODD, Chris	✓			
10. GARCIA, Diamond	✓			
11. SHIMIZU, Garner M.	.	✓		
TOTAL (11)	9	1	0	1
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				