

Honolulu, Hawaii

FEB 14 2025

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

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

Sir:

Your Committees on Health and Human Services and Public Safety and Military Affairs, to which was referred S.B. No. 1322 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify and expand the circumstances and procedures available for emergency transportation, examination, and hospitalization under chapter 334, Hawaii Revised Statutes;
- (2) Provide limits on liability for state and local governments and professionals during mental health emergency procedures while performing their duties in the course of employment;
- (3) Expand the notice requirements for an emergency hospitalization to include an individual's health care surrogate and clarify when notice to family members can be waived;
- (4) Remove the authority of the family court to appoint a legal guardian in a proceeding for involuntary hospitalization;



- (5) Remove the requirement that psychiatric facilities wait for a response on a notice of intent to discharge an involuntary hospitalization patient before discharge;
- (6) Clarify the circumstances under which a subject of an order for assisted community treatment can be administered medication over the subject's objection;
- (7) Provide limits on liability for an assisted community treatment provider; and
- (8) Modify the administrative authorization of medical treatment over the patient's objection to be reviewed by a single decision-maker who is a psychiatrist.

Your Committees received testimony in support of this measure from the Office of the Governor; Department of the Attorney General; Office of the Public Defender; Institute for Human Services, Inc.; Hawaii Substance Abuse Coalition; Hina Mauka; and two individuals.

Your Committees received testimony in opposition to this measure from Hui Malama Pono Hawaii.

Your Committees received comments on this measure from the Judiciary, Department of Health, Hawaii Disability Rights Center, and Hawaii Health Systems Corporation.

Your Committees find that Hawaii's mental health laws provide the State with a variety of methods to help and support individuals suffering from mental illness or substance abuse. Your Committees further find that as the number of individuals in need of help increases, so has the need to enhance these laws in a manner that demystifies the complexities of existing procedures, clarifies the circumstances under which action can be taken, and bolsters available tools to best serve these individuals. This measure updates the State's mental health laws to enable the State and mental health providers to provide appropriate assistance to individuals suffering from mental illness or substance abuse when they need it the most.



Your Committees have amended this measure by:


- (1) Inserting language to provide that if a medical emergency occurs while transporting a detained individual to an emergency examination, the individual shall be transported to the nearest emergency department;
- (2) Deleting language, that would have provided authorization for an emergency transportation initiated by a health care provider, as a health care provider already has the authority to effect an emergency evaluation under existing processes;
- (3) Inserting language to clarify that a petition filed with the family court alleging that another person meets the criteria may be accompanied by a certificate of a qualified psychiatric examiner who has:
 - (A) Examined subject of a petition in person; and
 - (B) Obtained enough information from the subject of the petition and has had face-to-face contact to reach a diagnosis of the subject of a petition;
- (4) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Health and Human Services and Public Safety and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1322, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1322, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Health and Human
Services and Public Safety and
Military Affairs,


BRANDON J.C. ELEFANTE, Chair


JOY A. SAN BUENAVENTURA, Chair

The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:* SB 1322	Committee Referral: HHS/PSM, JDC	Date: 2-7-25		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ELEFANTE, Brandon J.C. (C)	✓			
WAKAI, Glenn (VC)	✓			
FUKUNAGA, Carol	✓			
RHOADS, Karl	✓			
DECORTE, Samantha	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes