

JAN 15 2025

A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1 SECTION 1. Chapter 334, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV to be appropriately
3 designated and to read as follows:

4 "§334- Voluntary treatment for persons intoxicated by
5 alcohol, under the influence of drugs, or incapacitated by
6 substances. (a) A person intoxicated by alcohol, under the
7 influence of drugs, or incapacitated by substances, including a
8 minor, may voluntarily admit themself to a psychiatric facility
9 or a behavioral health crisis center for an emergency evaluation
10 to determine need for treatment.

11 (b) The administrator of a psychiatric facility or a
12 behavioral health crisis center that a person voluntarily enters
13 shall immediately evaluate or examine that person. If the
14 person is found to be in need of treatment, the administrator
15 shall admit the person or refer the person to another
16 appropriate facility. If a person is found not to be in need of



1 treatment, the administrator shall release the person and may
2 refer the person to another appropriate facility.

3 (c) Except as provided in subsection (g), a psychiatric
4 facility or a behavioral health crisis center shall immediately
5 release a voluntarily admitted person upon the person's request.

6 (d) A person who is not admitted to a psychiatric facility
7 or a behavioral health crisis center or referred to another
8 health facility, and who is unable to pay for services, may be
9 taken to the person's home or permanent place of residence, if
10 any. If the person has no home or permanent place of residence,
11 the psychiatric facility or behavioral health crisis center may
12 assist the person in obtaining shelter.

13 (e) If a person is admitted to a psychiatric facility or a
14 behavioral health crisis center, the person's family or next of
15 kin shall be notified as promptly as possible in accordance with
16 federal confidentiality regulations for substance use disorder
17 patient records, pursuant to title 42 Code of Federal
18 Regulations part 2, as amended. If an adult person requests
19 that there be no notification, the adult person's request shall
20 be respected.



1 (f) If the administrator of a psychiatric facility or a
2 behavioral health crisis center determines that a person
3 admitted there will benefit from further diagnosis and
4 appropriate voluntary treatment, the person shall be encouraged
5 to agree to that diagnosis and treatment.

6 (g) Nothing in this section precludes the administrator of
7 a psychiatric facility or a behavioral health crisis center from
8 seeking emergency hospitalization of a person pursuant to
9 section 334-59, or involuntary commitment of a person pursuant
10 to sections 334-60.2 to 334-62, regardless of whether the person
11 has been voluntarily admitted under this section. In this case,
12 the administrator's further conduct shall be governed by section
13 334-59 or sections 334-60.2 to 334-62, as applicable."

14 SECTION 2. Section 334-1, Hawaii Revised Statutes, is
15 amended by adding four new definitions to be appropriately
16 inserted and to read as follows:

17 "Incapacitated by alcohol" means that a person, as a
18 result of the use of alcohol, is unconscious or so impaired that
19 the person is incapable of making rational decisions with
20 respect to their need for treatment, is unable to provide for
21 their basic personal needs or safety, or lacks sufficient



1 understanding or capacity to make or communicate rational
2 decisions.

3 "Incapacitated by drugs" means that a person, as a result
4 of the use of drugs, is unconscious or so impaired that the
5 person is incapable of making rational decisions with respect to
6 their need for treatment, is unable to provide for their basic
7 personal needs or safety, or lacks sufficient understanding or
8 capacity to make or communicate rational decisions.

9 "Incapacitated by substances" means that a person is
10 incapacitated by alcohol or incapacitated by drugs.

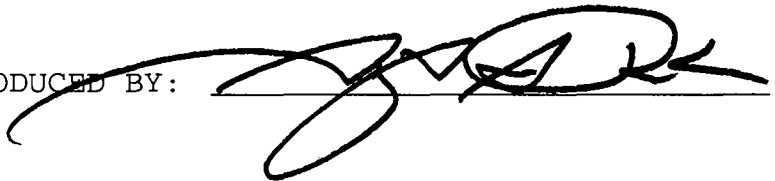
11 "Person under the influence of drugs" means any person
12 whose mental or physical functioning is temporarily but
13 substantially impaired as a result of the presence of drugs in
14 the person's body."

15 SECTION 3. New statutory material is underscored.

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

17

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be the name of the person introducing the bill.

S.B. NO. 323

Report Title:

DOH; Mental Health; Intoxication; Incapacity; Voluntary Treatment

Description:

Authorizes a person intoxicated by alcohol, under the influence of drugs, or incapacitated by substances, including a minor, to voluntarily admit themself to a psychiatric facility or a behavioral health crisis center for an emergency evaluation to determine need for treatment.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

