

Honolulu, Hawaii

FEB 14 2025RE: S.B. No. 228
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. 228 entitled:

"A BILL FOR AN ACT RELATING TO EXCITED DELIRIUM,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit excited delirium from being recognized as a valid medical diagnosis or cause of death in the State;
- (2) Prohibit a local health officer or local agent of the Department of Health from stating on a certificate of death or in any report that the cause of death was excited delirium;
- (3) Prohibit law enforcement officers from using the term excited delirium to describe an individual in an incident report; and
- (4) Establish a new rule of evidence that deems evidence that a person experienced or suffered an excited delirium inadmissible in a civil action.

Your Committees received testimony in support of this measure from the Office of the Public Defender, Hawaii Disability Rights



Center, Hui Malama Pono Hawaii, ACLU of Hawai'i, American Veterans Department of Hawaii, National Police Accountability Project, and seventeen individuals.

Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that "excited delirium", or "excited delirium syndrome" is not a real medical diagnosis, has no basis in medicine, and has no consistent or diagnostic criteria. Your Committees further find that for decades, "excited delirium" has been invoked to justify law enforcement violence, especially against people of color and those experiencing mental health crises. This measure ensures that only medically valid, evidence-based explanations are used in official reports and legal proceedings.

Your Committees believe that the State's rules of evidence for court proceedings already have standards as to the admissibility of medical evidence and that this measure's proposed establishment of a new rule of evidence is redundant. Therefore, amendments to this measure are necessary to address this redundancy.

Accordingly, your Committees have amended this measure by:

- (1) Deleting language from the definition of "excited delirium" that would have included:
 - (A) Various states of a person for which the court finds that there is insufficient scientific evidence or diagnostic criteria to be recognized as a medical condition; and
 - (B) Excited delirium syndrome, hyperactive delirium, agitated delirium, and exhaustive mania;
- (2) Deleting language that would have prohibited evidence that a person experienced excited delirium to be admissible in any civil action;
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion; and



- (4) 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. 228, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 228, 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 Health and Human Services
HHS

Bill / Resolution No.:* SB 228	Committee Referral: HHS/PSM, JDC	Date: 2/7/25
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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
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Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
HASHIMOTO, Troy N.	✓			
KEOHOKALOOLE, Jarrett	✓			
FEVELLA, Kurt				✓
TOTAL	4			1

Recommendation: Adopted Not Adopted

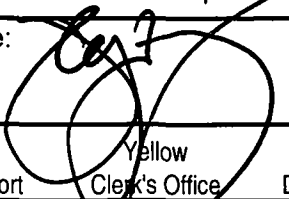
Chair's or Designee's Signature: 

Distribution: Original Yellow Pink Goldenrod
 File with Committee Report Clerk's Office Drafting Agency Committee File Copy

*Only one measure per Record of Votes

The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:
SB 228	HHS/PSM, JDC	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	4	0
1	0	
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
Distribution:		
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