

ACT 6

S. B. 78.

A Bill for an Act Relating to Mental Health, Mental Illness, Drug Addiction and Alcoholism; Amending Chapter 81, Revised Laws of Hawaii 1955; Repealing Section 278-1, Revised Laws of Hawaii 1955.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

At present public drunkenness is a criminal offense. In addition to its ineffectiveness, the existing system operates to discriminate against the poor, invites disregard of due process safeguards, and ignores the underlying medical, social, and public health problems of drunkenness. It is urgent that a law be enacted immediately to take drunkenness, as an offense in itself, out of the criminal system and to provide for a civil treatment program for drunkenness and alcoholism, including the use of medical facilities to replace the police station or jail as an initial detention unit for inebriates, inpatient medical care beyond a mere "drying out" process, and aftercare facilities for chronic drunkenness cases.

SECTION 2. Section 81-1 of the Revised Laws of Hawaii 1955 is amended:

(a) By amending the definition of "Psychiatric facility" to read:
" 'Psychiatric facility' means a public or private hospital or part thereof which provides inpatient or outpatient care, custody, diagnosis, treatment or rehabilitation services for mentally ill persons or for persons habituated to the excessive use of drugs or alcohol or for intoxicated persons."

(b) By adding immediately preceding the definition of "patient" the following:

" 'Intoxicated person' means a person who is deprived of reasonable self-control because of intake of alcohol."

SECTION 3. Section 81-20 of the Revised Laws of Hawaii 1955 is amended:

(a) By amending the first sentence to read:

"No person, association, corporation or government agency shall establish, maintain or operate a psychiatric facility to which persons are admitted pursuant to the provisions of section 81-40(a) 2, 3, and 4 without first obtaining a license therefor from the department."

(b) By adding at the end the following sentence:

"This section shall not apply to any facility operated by the United States or any agency thereof."

SECTION 4. Section 81-41(a) of the Revised Laws of Hawaii 1955 is amended to read:

"(a) The administrator of a psychiatric facility or his deputy may admit to the facility for observation, care and treatment as a voluntary patient any person with a psychiatric disorder or habituated to the excessive use of drugs or alcohol, to an extent requiring hospitalization, or any intoxicated person, who voluntarily makes application therefor."

SECTION 5. Section 81-43(c) of the Revised Laws of Hawaii 1955 is amended to read:

"(c) Any police officer may take into custody and transport to any facility designated by the director of health, any person apparently mentally ill and conducting himself in a manner which in a mentally well person would be disorderly, or any person apparently intoxicated and found under circumstances in which he would be subject to arrest or in which his safety or property or the safety or property of others is endangered because of his actions or condition, and make application for the examination, observation, diagnosis, and, if appropriate, certification of the person. The application shall state and shall be accompanied by a statement of the circumstances under which the person was taken into custody and the reasons therefor. Acceptance of the person as a patient by the psychiatric facility shall terminate the responsibility of the police officer for the person taken into custody, but shall not affect the liability of such person to subsequent arrest and prosecution for violation of any penal law."

SECTION 6. Section 81-44 of the Revised Laws of Hawaii 1955 is amended to read:

“An application for admission to a psychiatric facility shall be made to the administrator of the facility. The administrator or his deputy may approve the application. The application shall set forth sufficient facts to identify the person to be admitted, the type of admission, the certifying physicians, if any, and the applicant, and shall set forth the name and address, if known, of a responsible spouse, relative or friend of the patient other than the applicant. The director may require additional information to be contained in the application. The application shall be executed subject to the penalties of perjury but need not be sworn to before a notary public.”

SECTION 7. Section 278-1 of the Revised Laws of Hawaii 1955 is hereby repealed.

SECTION 8. This Act shall take effect on January 1, 1969.
(Approved April 18, 1968.)