A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

SECTION 1. The legislature finds that Hawaii's current standard for involuntary hospitalization does not adequately prevent harm, either to persons suffering from mental illness or substance abuse, or to members of the public. The legislature is cognizant that a portion of the mentally ill population, including the chronically homeless, are being deprived of urgent, medically appropriate mental health intervention that is best administered on an inpatient basis.

The legislature finds that although mentally ill people have a right to refuse medication or mental health treatment to some degree, steps must be taken to ensure that these individuals take medication and undergo treatment that is necessary to help prevent them from causing danger to themselves and others.

The purpose of this Act is to amend the definitions of "dangerous to others" and "dangerous to self" in chapter 334, Hawaii Revised Statutes, to include the refusal to take
medication or undergo mental health treatment necessary to help prevent self-inflicted violence and violence to others. This will allow law enforcement and hospital workers to intervene and temporarily take individuals into custody when certain medication is not taken or necessary mental health treatment is not used.

SECTION 2. Section 334-1, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of "dangerous to others" to read:

"Dangerous to others" means a person who:

(1) Is likely to do substantial physical or emotional injury on another, as evidenced by a recent act, attempt or threat; or

(2) Refuses to take medication or attend mental health treatment that is necessary to help prevent the person from committing or making an act, attempt, or threat as a described in paragraph (1)."

2. By amending the definition of "dangerous to self" to read:

"Dangerous to self" means the person recently has:
(1) Threatened or attempted suicide or serious bodily harm; [∅]

(2) Behaved in such a manner as to indicate that the person is unable, without supervision and the assistance of others, to satisfy the need for nourishment, essential medical care, shelter or self-protection, so that it is probable that death, substantial bodily injury, or serious physical debilitation or disease will result unless adequate treatment is afforded[—]; or

(3) Refused to take medication or attend mental health treatment that is necessary to help prevent the person from threatening or attempting suicide or serious bodily harm."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.
SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:  

JAN 23 2019
Report Title:
Mental Health; Mental Illness; Involuntary Hospitalization; Criteria

Description:
Amends the definitions of "dangerous to others" and "dangerous to self" in chapter 334, Hawaii Revised Statutes, to include the refusal to take medication or undergo mental health treatment necessary to help prevent self-inflicted violence and violence to others.

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