

STAND. COM. REP. NO.

1172

Honolulu, Hawaii

MAR 01 , 2019

RE: H.B. No. 1221
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1221, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to allow law enforcement and hospital workers to intervene and temporarily take individuals into involuntary hospitalization for not taking psychiatric medication or pursuing mental health treatment. Specifically, this measure amends Hawaii's criteria for involuntary hospitalization by amending:

- (1) The definition of "dangerous to others" to include persons who refuse to take psychiatric medication or participate in mental health treatment such that it is probable that the person will cause, attempt to cause, or threaten substantial physical or emotional injury on another; and
- (2) The definition of "dangerous to self" to include:
 - (A) Persons who refuse to take psychiatric medication or participate in mental health treatment necessary to help prevent the person from threatening or attempting suicide or serious bodily harm; and



- (B) Persons who have recently suffered from serious mental illness.

An individual testified in support of this measure. The Department of Health and an individual testified in opposition to this measure. The Department of the Attorney General, Office of the Public Defender, and Hawaii Disability Rights Center provided comments.

Your Committee has amended this measure by:

- (1) Amending the definition of "dangerous to self" to:
 - (A) Clarify that refusal of psychiatric medication or mental health treatment is considered to be "dangerous" only if it is probable that the person will threaten or attempt suicide or serious bodily harm; and
 - (B) Delete the inclusion of persons who have recently suffered from serious mental illness; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1221, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1221, H.D. 2.


Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



CHRIS LEE, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: H01221 HD1	Committee Referral: HLT, JUD	Date: 2/20/19		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom	/			
4. CREAGAN, Richard P.	/			
5. LOWEN, Nicole E.	/			
6. McKELVEY, Angus L.K.				/
7. MORIKAWA, Dee	/			
8. SAY, Calvin K.Y.	/			
9. TAKAYAMA, Gregg	/			
10. YAMANE, Ryan I.				/
11. THIELEN, Cynthia	/			
TOTAL (11)	9			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				