

Honolulu, Hawaii

FEB 14 , 2020

RE: H.B. No. 1661
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 1661, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to strengthen public health and safety by amending the definitions of "dangerous to others" and "dangerous to self" to include the refusal to take psychiatric medication or undergo mental health treatment such that self-inflicted violence and violence to others is probable.

Your Committee received testimony in support of this measure from the Hawaii Substance Abuse Coalition and two individuals. Your Committee received comments on this measure from the Department of Health, Department of the Attorney General, Hawaii Disability Rights Center, and Kaiser Permanente Hawaii.

Your Committee 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. Your Committee further finds that a portion of the mentally ill population, including the chronically homeless, is being deprived of urgent, medically appropriate mental health intervention that is best administered on an inpatient basis.



Your Committee notes that although mentally ill individuals 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 or to others. This measure allows 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, which will help and protect persons who are suffering from mental illness or substance use disorders, as well as others who may be harmed.

Your Committee has amended this measure by deleting its contents and, instead, modifying the criteria for emergency examination, release from emergency examination, emergency hospitalization, and release from emergency hospitalization for individuals suffering from a behavioral health crisis.

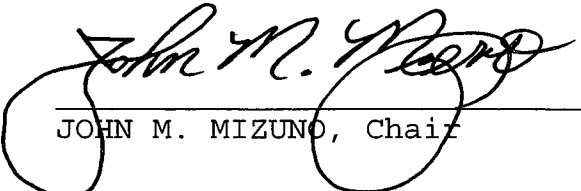
Your Committee finds that these amendments, offered by the Department of Health and developed in collaboration with state agency partners through the task force and working group established by Act 90 and Act 263, Session Laws of Hawaii 2019, respectively, will enhance the current efforts of the Department of Health and its stakeholder partners and will better support continued discussion and efforts to achieve optimal levels of functionality within the mental health crisis management system of the State.

Furthermore, your Committee requests that the Department of Health develop a statutory definition of an "MH-1 order".

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1661, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1661, H.D. 2, and be referred to your Committee on Judiciary.



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



JOHN M. MIZUNO, Chair



State of Hawaii
House of Representatives
The THIRTIETH Legislature

HSCR 659-20

Record of Votes of the Committee on Health

Bill/Resolution No.:	Committee Referral:	Date:		
HB 1661, HD1	HLT, JUD	2-13-20		
<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)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	✓			
2. KOBAYASHI, Bertrand (VC)	✓			
3. BELATTI, Della Au	✓			
4. NAKAMURA, Nadine K.	✓			
5. SAN BUENAVENTURA, Joy A.	✓			
6. SAY, Calvin K.Y.		✓		
7. TOKIOKA, James Kunane	✓			
8. WARD, Gene	✓			
TOTAL (8)	7	1	0	0
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: _____ <i>B.L. Kefauver</i>				
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