
A BILL FOR AN ACT

RELATING TO HEALTH.

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

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

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

15 The purpose of this Act is to strengthen public health and
16 safety by amending the definitions of "dangerous to others" and
17 "dangerous to self" in chapter 334, Hawaii Revised Statutes, to



1 include the refusal to take psychiatric medication or undergo
 2 mental health treatment such that self-inflicted violence and
 3 violence to others is probable. This Act will allow law
 4 enforcement and hospital workers to intervene and temporarily
 5 take individuals into custody when certain medication is not
 6 taken or necessary mental health treatment is not used.

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

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

11 "Dangerous to others" means a person who:

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

15 (2) Refuses to take psychiatric medication or participate
 16 in mental health treatment and that without such
 17 medication or treatment makes the person probable to
 18 cause, attempt to cause, or threaten substantial
 19 physical or emotional injury on another."



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

3 ""Dangerous to self" means the person recently has:

4 (1) Threatened or attempted suicide or serious bodily
5 harm; [~~or~~]

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

15 (3) Refused to take psychiatric medication or participate
16 in mental health treatment and that without such
17 medication or treatment makes the person probable to
18 threaten or attempt suicide or serious bodily harm."



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

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Mental Health; Mental Illness; Involuntary Hospitalization

Description:

Amends 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 or violence to others is probable. Takes effect 7/1/2050. (HD1)

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