

STAND. COM. REP. NO.

322

Honolulu, Hawaii

FEB 11 , 2025

RE: H.B. No. 36

H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Health, to which was referred H.B. No. 36
entitled:

"A BILL FOR AN ACT RELATING TO EXCITED DELIRIUM,"

begs leave to report as follows:

The purpose of this measure is to prohibit excited delirium
from being:

- (1) Recognized as a valid medical diagnosis or cause of death in the State or stated on a certificate of death or any report as to the cause of death by a local health officer or agent of the Department of Health;
- (2) Used by a law enforcement officer to describe an individual in an incident report; and
- (3) Admitted as evidence in any civil action.

Your Committee received testimony in support of this measure from the ACLU of Hawai'i; National Police Accountability Project; Hui Malama Pono Hawaii; and numerous individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Health and Hawaii Disability Rights Center.

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Your Committee finds that "excited delirium" is a term with no medical basis that is used to justify the use of excessive force by some law enforcement officers against individuals experiencing a mental health crisis. Your Committee further finds that "excited delirium" has no consistent definition or diagnostic criteria and is not currently included in the DSM-5, the authoritative classification system for mental health disorders used by medical professionals in the United States. Your Committee believes that the interests of justice and public health and safety dictate that "excited delirium" should not be recognized as a valid cause of death, used in incident reports, or admissible in civil cases in the State.

Your Committee notes the concerns raised in testimony by the Department of Health that its role in recording causes of death is purely a ministerial function; the Department does not question, confirm, or alter causes of death.

Accordingly, your Committee has amended this measure by:

- (1) Placing the new statutory language about cause of death in Chapter 327C, Hawaii Revised Statutes, relating to death, rather than in Chapter 338, relating to vital statistics, and prohibiting medical examiners, coroners, and health care providers from recognizing excited delirium as a medical diagnosis or cause of death;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 36, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 36, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



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



GREG TANAYAMA, Chair



