

Honolulu, Hawaii

FEB 28 2025

RE: S.B. No. 1322
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1322, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to clarify, update, and revise Hawaii's mental health laws by:

- (1) Clarifying the procedures and expanding on the circumstances available from initial contact with an individual suffering from mental illness or substance abuse to emergency transportation, examination, and hospitalization of the individual;
- (2) Establishing liability limits for state and local governments and health care professionals under certain circumstances arising from emergency procedures;
- (3) Expanding the notice requirements when an emergency hospitalization occurs to include an individual's health care surrogate, as well as clarifying when the individual can waive notice to the individual's family members;
- (4) Removing the authority of the family court to appoint a legal guardian or conservator in a proceeding for



involuntary hospitalization, thereby leaving appointments for legal guardians or conservators subject to the requirements of chapter 560, article V, Hawaii Revised Statutes;

- (5) Removing the requirement that psychiatric facilities wait for responses from interested parties to a notice of intent to discharge a patient under involuntary hospitalization before discharging the patient;
- (6) Clarifying the circumstances under which a subject of an order for assisted community treatment can be administered medication over the subject's objection;
- (7) Providing limits on liability for an assisted community treatment provider; and
- (8) Modifying the requirements to obtain administrative authorization of medical treatment over the objection of a patient who is in the custody of the director and in a psychiatric facility, so that the treatment can be authorized by a single decision-maker who is a psychiatrist.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Department of Health; Institute of Human Services, Inc.; Hawaii Substance Abuse Coalition; Hina Mauka; and 'Ohana Health Plan.

Your Committee received testimony in opposition to this measure from the ACLU of Hawai'i.

Your Committee received comments on this measure from the Queen's Health Systems, Hawaii Disability Rights Center, and Hawaii Health Systems Corporation.

Your Committee finds that mental health is a critically important component of public health in the State, and management of it within the medical and legal fields continues to evolve as the stigma and lack of awareness surrounding mental health decreases. Although existing law covers a variety of scenarios pertaining to emergency treatment of mental health conditions, your Committee believes that this area of law is due for an update



to address recent progress in comprehensive mental health care. This measure will update provisions of existing law relating to a wide spectrum of mental health emergency circumstances while also conforming state law with modern principles of mental health care management and reducing the potential for unwarranted criminalization of behavior that would be best addressed through medical treatment.

Your Committee has amended this measure by:

- (1) Requiring a person who makes an application for emergency transportation to notify a mental health emergency worker of the order and when possible, coordinate the transport of the individual with the emergency worker;
- (2) Inserting language providing authorization for an emergency transportation initiated by a health care provider;
- (3) Deleting language that would have provided immunity from civil liability to the State, any county, any private sector or nonprofit organization, and in cases of wilful misconduct, gross negligence, or recklessness, any state or county employee, health care provider, or mental health professional for the death of or injury to an individual as the result of any act or omission in the course of employment or duties under the emergency procedures established by this measure;
- (4) Deleting language that would have required an assisted community treatment provider to assess whether the subject of the order meets criteria for involuntary hospitalization; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 1322, S.D. 1, as amended herein, and recommends that it pass



Third Reading in the form attached hereto as S.B. No. 1322,
S.D. 2.

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



KARL RHOADS, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1322, SD1	HHS/PSM, JDC	2/26/25		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton				✓
TOTAL	4	—	—	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes