

STAND. COM. REP. NO.

1425

Honolulu, Hawaii

MAR 21, 2025

RE: S.B. No. 228
S.D. 1
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 S.B. No. 228, S.D. 1, 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; and
- (2) Used by a law enforcement officer to describe an individual in an incident report.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Hawaii Disability Rights Center; Community Alliance on Prisons; Hui Malama Pono Hawai'i; National Police Accountability Project; ACLU of Hawai'i; and numerous individuals. Your Committee received comments on this measure from the Judiciary and Department of Health.

2025-2785 SB228 HD1 HSCR HMSO



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 used for purposes of medical diagnoses or in the context of government or judicial actions.

Your Committee also finds that H.B. No. 36, H.D. 2 (Regular Session of 2025), a substantially similar measure, was previously passed by the House.

Your Committee has amended this measure by deleting its contents and inserting the contents of H.B. No. 36, H.D. 2, a measure that:

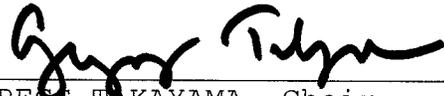
- (1) Prohibits excited delirium from being recognized as a valid medical diagnosis or cause of death in the State and places this prohibition in Chapter 327C, Hawaii Revised Statutes, relating to death;
- (2) Prohibits a medical examiner, coroner, or health care provider from stating on a certificate of death or in any report that the cause of death was excited delirium;
- (3) Prohibits law enforcement officers from using the term excited delirium to describe an individual in an incident report;
- (4) Establishes a new Hawaii Rule of Evidence that deems evidence that a person experienced or suffered excited delirium inadmissible in a civil action; and
- (5) Takes effect July 1, 3000.

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 S.B. No. 228, S.D. 1, as amended herein, and recommends that it pass Second



Reading in the form attached hereto as S.B. No. 228, S.D. 1, 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,



GREGG TAKAYAMA, Chair



