STAND. COM. REP. NO. 551

Honolulu, Hawaii 2013 H.B. No. 991 RE: H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 991 entitled:

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

begs leave to report as follows:

The purpose of this measure is to amend the process for obtaining a Family Court order for involuntary outpatient mental health treatment by establishing a process for obtaining an order for assisted community treatment.

The National Alliance on Mental Illness, Hawaii State Chapter; Mental Health America of Hawaii; Hawaii Substance Abuse Coalition; The Queen's Medical Center; Catholic Charities Hawaii; PHOCUSED; the Institute for Human Services, Inc.; and a few individuals submitted testimony in support of this measure. The Department of Health, Honolulu Police Department, American Civil Liberties Union of Hawaii, and one individual submitted testimony in opposition to this measure. The Hawaii Disability Rights Center submitted comments.

Your Committee has amended this measure by:

(1) Amending the criteria for a Family Court order of assisted community treatment to clarify requirements for the mental condition and degree of disability of the subject of a petition for an order as well as for

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procedures for the Court's consideration of evidence of that mental condition and degree of disability;

- (2) Specifying that an adult child of an individual has standing to petition the Family Court for an order of assisted community treatment for the individual;
- (3) Increasing the time that a person who is the subject of a petition for assisted community treatment may be involuntarily committed to a psychiatric facility for examination from twenty-four to forty-eight hours;
- (4) Specifying that a person subject to an order for assisted community treatment may be forcibly administered medication in either a hospital or a correctional setting;
- (5) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that this measure raises a number of issues involving the civil rights of persons who are the subject of petitions or orders for assisted community treatment, particularly, although not exclusively, in the matter of forcible detention for purposes of transportation or treatment pursuant to an order. Your Committee respectfully requests that your Committee on Judiciary deliberate further on these issues should that Committee choose to consider this measure.

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. 991, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 991, H.D. 1, and be referred to the Committee on Judiciary.

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

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DELLA AU BELATTI, Chair



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## State of Hawaii House of Representatives The Twenty-seventh Legislature



## **Record of Votes of the Committee on Health**

Bill/Resolution No.: HB 991	Committee HLT,	Referral: J∪D	Date: 2 13 13		
□ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: <ul> <li>Pass, unamended (as is)</li> <li>Pass, with amendments (HD)</li> <li>Hold</li> <li>Pass short form bill with HD to recommit for future public hearing (recommit)</li> </ul>					
HLT Members		Ayes	Ayes (WR)	Nays	Excused
1. BELATTI, Della Au (C)					
			1		
2. MORIKAWA, Dee (VC)		$\checkmark$			
3. CABANILLA, Rida T.R.		$\checkmark$			
4. CARROLL, Mele		-			
5. JORDAN, Jo					
5. JORDAN, Jo		V			
6. KOBAYASHI, Bertrand					
			1	1	ŀ
7. WOODSON, Justin H.		V			
8. CHEAPE, Lauren Kealohilani					
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TOTAL (8)		6	1		1
The recommendation is:       I Adopted       I Not Adopted         If joint referral,					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					