STAND. COM. REP. NO. 773

Honolulu, Hawaii

February 15 , 2019

RE: H.B. No. 1221 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2019 State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 1221 entitled:

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

begs leave to report as follows:

The purpose of this measure is to amend the definitions of "dangerous to others" and "dangerous to self" to include the refusal to take medication or undergo mental health treatment necessary to help prevent self-inflicted violence and violence to others.

The Department of the Attorney General, Department of Health, and Hawaii Disability Rights Center testified in support of this measure. Kaiser Permanente commented on this measure.

Your Committee notes the concerns of the Department of Health in its written testimony on this measure that while this measure's proposed revisions to the definitions of "dangerous to other" and "dangerous to self" to include refusal of mental health treatment may be well intended, these revisions may have a significant impact on the implementation of emergency admission, emergency end involuntary hospitalization. Refusal of treatment alone is not sufficient to establish dangerousness. The refusal of treatment must be sufficiently associated with causing an elevated risk of danger. Your Committee agrees with the Department of Health in

deferring to the Department of the Attorney General for proposed language establishing a link between refusing treatment and dangerousness.

Accordingly, your Committee has amended this measure by:

- (1) Amending the definitions of "dangerous to self" and "dangerous to others" to specify that refusal of medication or mental health treatment is considered to be "dangerous" only if dangerous behaviors will predictably result when the person does not receive medication or mental health treatment;
- (2) Clarifying that the refusal only applies to psychiatric medication;
- (3) Amending the definition of "dangerous to self" to apply only to refusal of psychiatric medication, and expanding the definition to include persons suffering from serious mental illness; and
- (4) Changing its effective date to July 1, 2050.

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. 1221, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1221, H.D. 1, and be referred to your Committee on Judiciary.

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

JOHN M. MIZUNO, Chair

State of Hawaii House of Representatives The THIRTIETH Legislature

HSCR 773

Record of Votes of the Committee on Health

Bill/Resolution No.:	Committee Referral:		Date:	
HB1221	HT, JUD		2-14-19	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold				
Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)				
2. KOBAYASHI, Bertrand (VC)				
3. BELATTI, Della Au				St. communication and contract
4. NAKAMURA, Nadine K.				
5. SAN BUENAVENTURA, Joy A	. /			
				9 9 6 7
6. SAY, Calvin K.Y.			,	
7. TOKIOKA, James Kunane				<u> </u>
8. WARD, Gene			- 100 100 100 100 100 100 100 100 100 10	
-				
TOTAL (8)	6			1
The recommendation is: Adopted If joint referral, did not support recommendation.				
committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				