

STAND. COM. REP. NO.

1171

Honolulu, Hawaii

MAR 25 2021

RE: H.B. No. 310  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committees on Health and Human Services, to which was referred H.B. No. 310, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend the definition of "imminently dangerous to self or others";
- (2) Authorize the involuntary treatment of up to thirty days for patients who are subject to emergency hospitalization, diagnosed with a serious mental illness or severe substance use disorder, and found to be lacking decisional capacity; and
- (3) Require assessment of patients who are subject to emergency hospitalization, diagnosed with a serious mental illness or severe substance use disorder, and found to be lacking decisional capacity to determine if a surrogate or guardian needs to be appointed to make appropriate health care decisions for the patient.

Your Committees received testimony in support of this measure from the City and County of Honolulu Department of the Prosecuting



Attorney; The Institute for Human Services, Inc.; Hawai'i Psychological Association; Hina Mauka; and seven individuals. Your Committees received testimony in opposition to this measure from the Office of the Public Defender and one individual. Your Committees received comments on this measure from the Department of the Attorney General, Department of Health, Hawaii Disability Rights Center, and The Queen's Health Systems.

Your Committees recognize the testimony of the Department of the Attorney General, which raised concerns about the legality of the measure permitting involuntary treatment with long-term injectable psychotropics. Your Committees also recognize the testimony of various stakeholders who raised concerns that allowing medical professionals the discretion to treat certain patients who are mentally ill or suffering from substance abuse, imminently dangerous to themselves or others, and in need of care or treatment, rather than requiring the medical professional to treat the patient, would lessen patient care. Finally, your Committees note that many stakeholders testified that amending the definition of "imminently dangerous to self or others" by increasing the number of days from forty-five days to ninety days has no basis in psychiatric opinion or data.

Therefore, your Committees have amended this measure by:

- (1) Restoring the original language of section 334-59(d), Hawaii Revised Statutes, that requires qualified medical professionals to direct certain patients to be hospitalized on an emergency basis;
- (2) Removing the amendment to the definition of "imminently dangerous to self or others";
- (3) Removing the proposed amendment that would allow the involuntary administration of medication;
- (4) Removing the amendment to the definition of "imminently dangerous to self or others" in section 334-161, Hawaii Revised Statutes;
- (5) Amending section 1 to reflect its amended purpose; and



- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 310, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 310, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Health and Human Services,



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JOY A. SAN BUENAVENTURA, Chair



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FARRETT KEOHOKALOLE, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes  
Committee on Health  
HTH**

Bill / Resolution No.:*	Committee Referral:	Date:
<b>HB 310 HD 2</b>	<b>HTH/HMS, JDC/WAM</b>	<b>3-18-2021</b>

The Committee is reconsidering its previous decision on this measure.  
If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312     Pass, with amendments 2311     Hold 2310     Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
BAKER, Rosalyn (VC)	✓			
MORIWAKI, Sharon Y.				✓
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt		✓		
<b>TOTAL</b>	<b>3</b>	<b>1</b>	<b>-</b>	<b>1</b>

Recommendation:     Adopted     Not Adopted

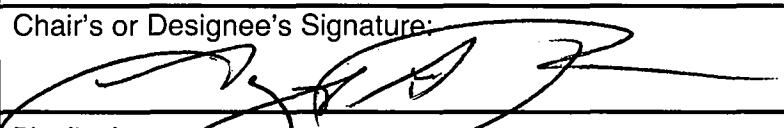
Chair's or Designee's Signature:  


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\*Only one measure per Record of Votes

The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 310 HD 2	HTH/HMS, JDC/WAM	03/18/2021		
<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
SAN BUENAVENTURA, Joy A. (C)	/			
IHARA, Jr., Les (VC)	/			
ACASIO, Laura		/		
MISALUCHA, Bennette E.	/			
FEVELLA, Kurt		/		
<b>TOTAL</b>	3	2		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-size: 2em; margin-top: 10px;">  </div>				
Distribution: <div style="display: flex; justify-content: space-around; font-size: 0.8em;"> <span>Original File with Committee Report</span> <span>Yellow Clerk's Office</span> <span>Pink Drafting Agency</span> <span>Goldenrod Committee File Copy</span> </div>				

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