STAND. COM. REP. NO. 1652

Honolulu, Hawaii APR 092021

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 Judiciary and Ways and Means, to which was referred H.B. No. 310, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to require assessment of patients who are subject to emergency hospitalization, diagnosed with a 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 Department of the Prosecuting Attorney of the City and County of Honolulu; Hina Mauka; Hawai'i Psychological Association; The Institute for Human Services, Inc.; and five individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Office of the Public Defender, Hawai'i Disability Rights Center, and The Queen's Health Systems.

Your Committees find that many persons suffering from serious mental illness do not receive timely and appropriate care or treatment because emergency response procedures in the State



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generally do not permit involuntary emergency hospitalization except in very narrow circumstances. Your Committees further find that these procedures often result in a cycle of crisis response and short-term emergency treatment, after which the person receives no further care. This measure will increase the likelihood that persons suffering from serious mental illness or severe substance abuse will receive timely and appropriate care and treatment, whether when brought to an emergency department for evaluation, hospitalized in a psychiatric facility under an emergency hospitalization or involuntary commitment order, or while being considered for assisted community treatment, by requiring the assessment of certain patients subject to emergency hospitalization to determine if a surrogate or guardian should be appointed to make appropriate health care decisions for the patient.

Your Committees note that for certain types of mental illness, inability to recognize one's own illness is a classic symptom and that without involuntary treatment, it may not be possible for such an individual to receive any treatment until the person has seriously hurt themself or someone else.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 310, H.D. 2, S.D. 1, and recommend that it pass Third Reading.



Respectfully submitted on behalf of the members of the Committees on Judiciary and Ways and Means,

KARL RHOADS, Chair



## The Senate Thirty-First Legislature State of Hawaiʻi

## Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral: Date:							
HB 310, HD2, SO1	501 HTH/HMS, JDC/WAM 4/6/2021							
The Committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
RHOADS, Karl (C)		$\sim$						
KEOHOKALOLE, Jarrett (VC)		$\checkmark$						
ACASIO, Laura		V						
GABBARD, Mike		~						
KIM, Donna Mercado		V V						
LEE, Chris		V						
FEVELLA, Kurt			<b>∨</b>					
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TOTAL		6	1	0	0			
Recommendation:								
Chair's or Designee's Signature: Kal Nhood								
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\*Only <u>one</u> measure per Record of Votes

## The Senate Thirty-First Legislature State of Hawaiʻi

## Record of Votes Committee on Ways and Means WAM

Bill / Resolution No.:*	Committee Referral:		Da	Date:					
HB 310, HD 2, SD 1	HTH/HMS, JDC/WAM 4/6/21								
The Committee is reconsidering its previous decision on this measure.									
If so, then the previous decision was to:									
The Recommendation is:									
Pass, unamendedPass, with amendmentsHoldRecommit2312231123102313									
Members		Aye	Aye (WR)	Nay	Excused				
DELA CRUZ, Donovan M. (C)		×							
KEITH-AGARAN, Gilbert S.C. (VC)		X							
ENGLISH, J. Kalani		Х							
INOUYE, Lorraine R.					X				
KANUHA, Dru Mamo		X							
KIDANI, Michelle N.		X		<u> </u>					
MORIWAKI, Sharon Y.		·			X				
SHIMABUKURO, Maile S.L.		X							
TANIGUCHI, Brian T.		X							
WAKAI, Glenn		×							
FEVELLA, Kurt		· · · · · · · · · · · · · · · · · · ·	X						
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TOTAL		B	1		2				
Recommendation:									
Chair's or Designee's Signature:									
Distribution: Original Yellow Pink Goldenrod   File with Committee Report Clerk's Office Drafting Agency Committee File Copy									

\*Only <u>one</u> measure per Record of Votes