STAND. COM. REP. NO. 36

Honolulu, Hawaii FEB 10 , 2021

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

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Health, Human Services, & Homelessness, to which was referred H.B. No. 310 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to:

- Amend the definition of "imminently dangerous to self or others"; and
- (2) Authorize the involuntary treatment of certain patients subject to emergency hospitalization.

Your Committee received testimony in support of this measure from the Mayor's Office of Housing in the City and County of Honolulu; Hawaii Substance Abuse Coalition; Hawaii Psychological Association; The Institute for Human Services, Inc.; and eight individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, Drug Policy Forum of Hawaii, Hawaii Health & Harm Reduction Center, American Civil Liberties Union of Hawaii, and eight individuals. Your Committee received comments on this measure from the Department of the Attorney General, Department of Health, Hawaii Disability Rights Center, The Queen's Health Systems, and one individual.

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Your Committee finds that extending the time frame for when a person can be determined as imminently dangerous from forty-five to ninety days and allowing for the involuntary treatment of persons who are subject to emergency hospitalization, have been diagnosed with a serious mental illness or severe substance use disorder, and are deemed to be lacking decisional capacity by qualified medical personnel will increase the likelihood that these individuals will receive timely and appropriate treatment.

Your Committee has amended this measure by:

- Removing the requirement that an emergency examination occur in a hospital;
- (2) Clarifying that involuntary treatment of individuals subject to emergency hospitalization may include the use of long-term injectable psychotropics;
- (3) Requiring the assessment of individuals who are subject to emergency hospitalization, diagnosed with a serious mental illness or serious substance use disorder, and found to be lacking decisional capacity to determine if the appointment of a surrogate or guardian is needed to make appropriate health care decisions for the individual;
- (4) Changing the effective date to July 1, 2060, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health, Human Services, & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 310, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 310, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

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Respectfully submitted on behalf of the members of the Committee on Health, Human Services, & Homelessness,

MANE, Chair

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State of Hawaii House of Representatives The Thirty-first Legislature

Record of Votes of the Committee on Health, Human Services, & Homelessness

Bill/Resolution No.: HB 310	Committee Referral: HHHH, SHA, FIN		Date: 02/04/2021		
θ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: θ Pass, unamended (as is) \P Pass, with amendments (HD) θ Hold θ Pass short form bill with HD to recommit for future public hearing (recommit)					
HHH Members	Ayes	Ayes (WR)	Nays	Excused	
1. YAMANE, Ryan I. (C)	J				
2. TAM, Adrian K. (VC)					
3. GATES, Cedric Asuega	J				
4. HAR, Sharon E.	V				
5. KAPELA, Jeanne		5			
6. LoPRESTI, Matthew S.					
7. NISHIMOTO, Scott Y.	\sim	Long and the second second	a 45 - 1 1		
8. WARD, Gene					
TOTAL (8)	6	1		1	
1	e recommendation is: • Adopted • Not Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					