STAND. COM. REP. NO.

588

Honolulu, Hawaii

FEB 19 ' 2021

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

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 310, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Amend the definition of "imminently dangerous to self or others";
- (2) Authorize the involuntary treatment of certain patients subject to emergency hospitalization; and
- (3) Require the assessment of certain patients subject to emergency hospitalization to determine if a surrogate or guardian needs to be appointed to make appropriate health care decisions for the patient.

Your Committee received testimony in support of this measure from the Hawaii Substance Abuse Coalition, Institute for Human Services, Kealahou West Oahu, and six individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, American Civil Liberties Union of Hawaii, and one individual. Your Committee received comments on this

measure from the Department of the Attorney General, Department of Health, and Hawaii Disability Rights Center.

Your Committee finds that this measure will better assist individuals suffering from serious mental illness or severe substance abuse by authorizing timely and appropriate treatment.

Your Committee has amended this measure by:

- (1) Limiting the maximum amount of time persons subject to emergency hospitalization, diagnosed with a serious mental illness or severe substance use disorder, or found to be lacking decisional capacity may be involuntarily treated for up to thirty days;
- (2) Deleting the definition of "imminently dangerous to self or others" from section 334-161, Hawaii Revised Statutes, to conform with this measure; and
- (3) 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 310, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 310, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on Judiciary & Hawaiian Affairs,

MARK M. NAKASHIMA, Chair

State of Hawaii House of Representatives The Thirty-first Legislature HSUL 588

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.:	Committee Referral:	Date:	1 1/	<u> </u>
HB 310 HD1	HHH, JHA, FIN		2-16-	ムー
☐ 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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)				
2. MATAYOSHI, Scot Z. (VC)				
2 ICHIYAMA Lindo				
3. ICHIYAMA, Linda				
4. KOBAYASHI, Dale T.				
5. LoPRESTI, Matthew S.				and the second s
6. LOWEN, Nicole E.			ajaji, mojmos	
7 McKELVEV Amous LV				
7. McKELVEY, Angus L.K.				
8. NAKAMURA, Nadine K.				
9. TAKUMI, Roy M.			and kind of the second of the	1
10. TODD, Chris			The second second	and the second of the second
			Sisteman of the continue of the continu	
11. TOKIOKA, James Kunane				
12. WARD, Gene				
121 111123, 3012				
TOTAL (12)	9		\bigcirc	2
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				