



**GOV. MSG. NO. 1187**

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

June 27, 2024

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2024, the following bill was signed into law:

SB3139 SD2 HD3 CD1

RELATING TO CRISIS SERVICES.  
**ACT 086**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

on JUN 27 2024

ACT 086

THE SENATE  
THIRTY-SECOND LEGISLATURE, 2024  
STATE OF HAWAII

S.B. NO. 3139  
S.D. 2  
H.D. 3  
C.D. 1

# A BILL FOR AN ACT

RELATING TO CRISIS SERVICES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that thousands of people  
2 in Hawaii are cited or arrested each year for offenses such as  
3 drinking liquor in public, loitering in public parks after  
4 hours, and camping on sidewalks, beaches, and other restricted  
5 public places. Most of these people suffer from issues relating  
6 to drugs, alcohol, or mental illness. Many of those cited do  
7 not appear in court, leading courts to issue bench warrants for  
8 their arrests. Time and resources are expended bringing people  
9 to court, and the court system, prosecutors, and police are  
10 caught in a never-ending revolving door situation. In response  
11 to this situation, mental health service providers have been  
12 working with appropriate law enforcement agencies and the  
13 criminal justice system to implement a crisis intervention  
14 program on the island of Oahu.

15           Accordingly, the purpose of this Act is to establish a  
16 crisis intervention and diversion services program within the  
17 department of health to expand existing crisis intervention and



1 diversion services to divert persons in crisis from the criminal  
2 justice system to the health care system.

3 SECTION 2. Chapter 334, Hawaii Revised Statutes, is  
4 amended by adding a new part to be appropriately designated and  
5 to read as follows:

6 "PART . CRISIS SERVICES

7 §334- Crisis intervention and diversion services  
8 program. (a) There shall be established within the department  
9 a crisis intervention and diversion services program to redirect  
10 persons experiencing mental health disorders and co-occurring  
11 mental health and substance use disorders who are at risk for  
12 involvement, or currently involved, with the criminal justice  
13 system to the appropriate health care system and services. The  
14 department shall collaborate with law enforcement agencies,  
15 courts, mental health providers, and the community for the  
16 execution and implementation of these services.

17 (b) The department may lease or acquire a facility to  
18 operate a behavioral health crisis center to treat and refer  
19 persons experiencing behavioral health crises, including persons  
20 in the criminal justice system, to the appropriate services and  
21 providers."



1 SECTION 3. Section 334-1, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4 "Mental health emergency worker" means a person designated  
5 by the department to provide crisis intervention and emergency  
6 stabilization services and to assist in determining whether a  
7 mentally ill person is likely to meet the criteria for emergency  
8 admission and examination."

9 SECTION 4. Section 334-3, Hawaii Revised Statutes, is  
10 amended by amending subsection (c) to read as follows:

11 "(c) The department shall specifically:

12 (1) Perform statewide assessments of the need for  
13 prevention, treatment, and rehabilitation services in  
14 the areas of mental or emotional disorders and  
15 substance abuse;

16 (2) Adopt rules pursuant to chapter 91 for establishing  
17 the number and boundaries of the geographical service  
18 areas for the delivery of services in the areas of  
19 mental or emotional disorders and substance abuse.

20 The department shall periodically review the  
21 effectiveness of the geographical service areas in



- 1 promoting accessibility and continuity of appropriate  
2 care to all residents of that geographical area;
- 3 (3) Appoint a service area administrator in each county  
4 who shall be responsible for the development,  
5 delivery, and coordination of services in that area;
- 6 (4) Ensure statewide and community-based planning for the  
7 ongoing development and coordination of the service  
8 delivery system as guided by needs assessment data and  
9 performance related information;
- 10 (5) Establish standards and rules for psychiatric  
11 facilities and their licensing, where applicable;
- 12 (6) Establish standards and rules for services in the  
13 areas of mental health and substance abuse treatment,  
14 including assurances of the provision of minimum  
15 levels of accessible service to persons of all ages,  
16 ethnic groups, and geographical areas in the State;
- 17 (7) Ensure community involvement in determining the  
18 service delivery arrangements appropriate to each  
19 community of the State;
- 20 (8) Cooperate with public and private health, education,  
21 and human service groups, agencies, and institutions



1 in establishing a coordinated system to meet the needs  
2 of persons with mental or emotional disorders and  
3 substance abuse difficulties;

4 (9) Evaluate and monitor all services in the fields of  
5 mental health and substance abuse where [such]  
6 services are supported fully or in part by state  
7 resources;

8 (10) Promote and conduct research, demonstration projects,  
9 and studies concerned with the nature, prevention,  
10 intervention, and consequences of mental or emotional  
11 disorders and substance abuse;

12 (11) Keep records, statistical data, and other information  
13 as may be necessary in carrying out the functions of  
14 the mental health system and this chapter;

15 (12) Advocate patients' rights in all psychiatric  
16 facilities in the State and investigate any grievances  
17 submitted to the department by any patient in a  
18 psychiatric facility, except as provided in section  
19 334E-2(d). The department shall establish rules and  
20 procedures for the purpose of this paragraph within



- 1           one year after January 1, 1985, and post the rules in  
2           a conspicuous manner and accessible place;
- 3       (13) Promote and conduct a systematic program of  
4           accountability for all services provided, funds  
5           expended, and activities carried out under its  
6           direction or support in accordance with sound  
7           business, management, and scientific principles;
- 8       (14) Coordinate mental health resources in each county of  
9           the State by the development and presentation of a  
10          comprehensive integrated service area plan developed  
11          by the service area administrator in conjunction with  
12          the service area board. The service area  
13          administrator and the service area board, in  
14          collaboration with private and public agencies serving  
15          their population, shall submit recommendations for the  
16          statewide comprehensive integrated service plan,  
17          including needs assessment, program planning, resource  
18          development, priorities for funding, monitoring, and  
19          accountability activities;
- 20       (15) Oversee and coordinate service area programs and  
21          provide necessary administrative and technical



- 1 assistance to assist service area programs in meeting  
2 their program objectives; [and]  
3 (16) Provide staffing to the state council and service area  
4 boards to assist in the performance of their  
5 functions [-]; and  
6 (17) Establish standards and rules for the designation of  
7 mental health emergency workers."

8 SECTION 5. Section 334-59, Hawaii Revised Statutes, is  
9 amended as follows:

10 1. By amending subsection (a) to read:

11 "(a) Initiation of proceedings. An emergency admission  
12 may be initiated as follows:

- 13 (1) If a law enforcement officer has reason to believe  
14 that a person is imminently dangerous to self or  
15 others, the officer shall call for assistance from  
16 [~~the~~] a mental health emergency [~~workers~~] worker  
17 designated by the director[-]; provided that if a law  
18 enforcement officer is unable to reach a mental health  
19 emergency worker telephonically or has reason to  
20 believe the situation to be unstable to a degree that  
21 a delay of greater than two minutes would result in



1 serious harm to the individual, others, or property,  
2 the law enforcement officer may act to gain control of  
3 the individual. Once the law enforcement officer has  
4 gained control of the individual, the law enforcement  
5 officer shall call for assistance from a mental health  
6 emergency worker designated by the director; provided  
7 that the law enforcement officer shall document why  
8 the situation necessitated that the law enforcement  
9 officer gain control of the individual. Upon  
10 determination by the mental health emergency [workers]  
11 worker that the person is imminently dangerous to self  
12 or others, the person shall be transported by  
13 ambulance or other suitable means[7] to a licensed  
14 psychiatric facility or other facility designated by  
15 the director for further evaluation and possible  
16 emergency hospitalization. If a crisis intervention  
17 officer has probable cause to believe that a person is  
18 imminently dangerous to self or others, the crisis  
19 intervention officer shall call a mental health  
20 emergency worker to determine if the person shall be  
21 transported by ambulance or other suitable means to a



1           behavioral health crisis center designated by the  
2           director as determined by a mental health emergency  
3           worker. A law enforcement officer may also take into  
4           custody and transport to any facility designated by  
5           the director any person threatening or attempting  
6           suicide. The law enforcement officer shall make  
7           application for the examination, observation, and  
8           diagnosis of the person in custody. The application  
9           shall state or shall be accompanied by a statement of  
10          the circumstances under which the person was taken  
11          into custody and the reasons therefor, which shall be  
12          transmitted with the person to a physician, advanced  
13          practice registered nurse, or psychologist at the  
14          facility.

15                   As used in this paragraph, "crisis intervention  
16                   officer" has the same meaning as defined in section  
17                   353C-1;

- 18          (2) Upon written or oral application of any licensed  
19          physician, advanced practice registered nurse,  
20          psychologist, attorney, member of the clergy, health  
21          or social service professional, or any state or county



1 employee in the course of employment, a judge may  
2 issue an ex parte order orally, but shall reduce the  
3 order to writing by the close of the next court day  
4 following the application, stating that there is  
5 probable cause to believe the person is mentally ill  
6 or suffering from substance abuse, is imminently  
7 dangerous to self or others and in need of care or  
8 treatment, or both, giving the findings upon which the  
9 conclusion is based. The order shall direct that a  
10 law enforcement officer or other suitable individual  
11 take the person into custody and deliver the person to  
12 a designated mental health program, if subject to an  
13 assisted community treatment order issued pursuant to  
14 part VIII [~~of this chapter~~], or to the nearest  
15 facility designated by the director for emergency  
16 examination and treatment, or both. The ex parte  
17 order shall be made a part of the patient's clinical  
18 record. If the application is oral, the person making  
19 the application shall reduce the application to  
20 writing and shall submit the same by noon of the next  
21 court day to the judge who issued the oral ex parte



1 order. The written application shall be executed  
2 subject to the penalties of perjury but need not be  
3 sworn to before a notary public~~[-]~~; or  
4 (3) Any licensed physician, advanced practice registered  
5 nurse, physician assistant, or psychologist who has  
6 examined a person and has reason to believe the person  
7 is:  
8 (A) Mentally ill or suffering from substance abuse;  
9 (B) Imminently dangerous to self or others; and  
10 (C) In need of care or treatment~~[+]~~,  
11 may direct transportation, by ambulance or other  
12 suitable means, to a licensed psychiatric facility or  
13 other facility designated by the director for further  
14 evaluation and possible emergency hospitalization. A  
15 licensed physician, an advanced practice registered  
16 nurse, or a physician assistant may administer  
17 treatment as is medically necessary, for the person's  
18 safe transportation. A licensed psychologist may  
19 administer treatment as is psychologically necessary."  
20 2. By amending subsections (d) and (e) to read:



1           "(d) Emergency hospitalization. If the psychiatrist or  
2 advanced practice registered nurse with prescriptive authority  
3 and who holds an accredited national certification in an  
4 advanced practice registered nurse psychiatric specialization  
5 who performs the emergency examination has reason to believe  
6 that the patient is:

- 7           (1) Mentally ill or suffering from substance abuse;
- 8           (2) Imminently dangerous to self or others; and
- 9           (3) In need of care or treatment, or both[+],

10 the psychiatrist or advanced practice registered nurse with  
11 prescriptive authority and who holds an accredited national  
12 certification in an advanced practice registered nurse  
13 psychiatric specialization shall direct that the patient be  
14 hospitalized on an emergency basis or cause the patient to be  
15 transferred to another psychiatric facility or other facility  
16 designated by the director for emergency hospitalization, or  
17 both. The patient shall have the right immediately upon  
18 admission to telephone the patient's guardian or a family member  
19 including a reciprocal beneficiary, or an adult friend and an  
20 attorney. If the patient declines to exercise that right, the  
21 staff of the facility shall inform the adult patient of the



1 right to waive notification to the family, including a  
2 reciprocal beneficiary, and shall make reasonable efforts to  
3 ensure that the patient's guardian or family, including a  
4 reciprocal beneficiary, is notified of the emergency admission  
5 but the patient's family, including a reciprocal beneficiary,  
6 need not be notified if the patient is an adult and requests  
7 that there be no notification. The patient shall be allowed to  
8 confer with an attorney in private.

9 (e) Release from emergency hospitalization. If at any  
10 time during the period of emergency hospitalization the treating  
11 physician determines that the patient no longer meets the  
12 criteria for emergency hospitalization and the examination  
13 pursuant to section 334-121.5 has been completed, the physician  
14 shall expediently discharge the patient. If the patient is  
15 under criminal charges, the patient shall be returned to the  
16 custody of a law enforcement officer. In any event, the patient  
17 shall be released within forty-eight hours of the patient's  
18 admission to a psychiatric facility<sup>[7]</sup> or other facility  
19 designated by the director, unless the patient voluntarily  
20 agrees to further hospitalization, or a proceeding for court-  
21 ordered evaluation or hospitalization, or both, is initiated as



1 provided in section 334-60.3. If that time expires on a  
2 Saturday, Sunday, or holiday, the time for initiation is  
3 extended to the close of the next court day. Upon initiation of  
4 the proceedings, the facility shall be authorized to detain the  
5 patient until further order of the court."

6 SECTION 6. Section 353C-1, Hawaii Revised Statutes, is  
7 amended by adding a new definition to be appropriately inserted  
8 and to read as follows:

9 "Crisis intervention officer" means a law enforcement  
10 officer who has been trained and certified to recognize and  
11 communicate with an individual who is in crisis or suffering  
12 from some form of impairment, whether from dementia, Alzheimer's  
13 disease, or any physical, developmental, cognitive,  
14 psychological, or substance use disorder influencing their  
15 behavior. Training and certification standards shall be  
16 determined with the department of health."

17 SECTION 7. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect upon its approval.



S.B. NO.

3139  
S.D. 2  
H.D. 3  
C.D. 1

APPROVED this **27th** day of **June**, 2024

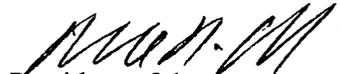
A handwritten signature in black ink, appearing to read "Josh Green" followed by a stylized flourish.

GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI‘I**

Date: May 1, 2024  
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai‘i, Regular Session of 2024.



President of the Senate



Clerk of the Senate

SB No. 3139, SD 2, HD 3, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives