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# A BILL FOR AN ACT

RELATING TO EXCITED DELIRIUM.

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

1           SECTION 1. Chapter 327C, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§327C-           Cause of death; excited delirium prohibited.

5           (a) Excited delirium shall not be recognized as a valid medical  
6 diagnosis or cause of death in the State.

7           (b) A medical examiner, coroner, or health care provider  
8 shall not document, testify to, or otherwise use excited  
9 delirium as a recognized medical diagnosis or cause of death in  
10 any official capacity or communication.

11           (c) A medical examiner, coroner, or health care provider  
12 shall not state on the certificate of death, or in any report,  
13 that the cause of death was excited delirium. The medical  
14 examiner, coroner, or health care provider may list and describe  
15 the contributing causes of death, but shall not describe the  
16 underlying cause as excited delirium.



1       (d) A state or county government entity, or employee or  
2 contractor of a state or county government entity, shall not  
3 document, testify to, or otherwise use in any official capacity  
4 or communication excited delirium as a recognized medical  
5 diagnosis or cause of death.

6       (e) As used in this section:

7       "Excited delirium" means a term used to describe a person's  
8 state of agitation, excitability, paranoia, extreme aggression,  
9 physical violence, and apparent immunity to pain that is not  
10 listed in the existing version of the Diagnostic and Statistical  
11 Manual of Mental Disorders, or for which a court finds there is  
12 insufficient scientific evidence or diagnostic criteria to be  
13 recognized as a medical condition. "Excited delirium" includes  
14 but is not limited to excited delirium syndrome, hyperactive  
15 delirium, agitated delirium, and exhaustive mania.

16       "Health care provider" means a physician or osteopathic  
17 physician licensed under part I of chapter 453, physician or  
18 osteopathic physician excepted from licensure by section 453-  
19 2(b)(3), physician assistant licensed under chapter 453, or  
20 registered nurse licensed under chapter 457."



1 SECTION 2. Chapter 353C, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 **"§353C- Incident reports; excited delirium prohibited.**

5 (a) A law enforcement officer shall not use the term excited  
6 delirium to describe an individual in an incident report  
7 completed by a law enforcement officer. A law enforcement  
8 officer may describe the characteristics of an individual's  
9 conduct, but shall not generally describe the individual's  
10 demeanor, conduct, or physical or mental condition at issue as  
11 excited delirium.

12 (b) As used in this section:

13 "Excited delirium" shall have the same meaning as in  
14 section 327C- .

15 "Law enforcement officer" shall have the same meaning as in  
16 section 134-81."

17 SECTION 3. Section 626-1, Hawaii Revised Statutes, is  
18 amended by adding a new rule to article XI to be appropriately  
19 designated and to read as follows:



1        "Rule        Excited delirium; prohibition. (a) Evidence  
2 that a person suffered or experienced excited delirium shall not  
3 be admitted in any civil action.

4        (b) A party or witness may describe the factual  
5 circumstances surrounding the case, including a person's  
6 demeanor, conduct, and physical or mental condition at issue,  
7 but shall not describe or diagnose the demeanor, conduct, or  
8 physical or mental condition as excited delirium, or attribute  
9 the demeanor, conduct, or physical or mental condition to  
10 excited delirium.

11        (c) As used in this rule, "excited delirium" means a term  
12 used to describe a person's state of agitation, excitability,  
13 paranoia, extreme aggression, physical violence, and apparent  
14 immunity to pain that is not listed in the most current version  
15 of the Diagnostic and Statistical Manual of Mental Disorders, or  
16 for which the court finds there is insufficient scientific  
17 evidence or diagnostic criteria to be recognized as a medical  
18 condition. "Excited delirium" includes but is not limited to  
19 excited delirium syndrome, hyperactive delirium, agitated  
20 delirium, and exhaustive mania."



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 3000.



**Report Title:**

Excited Delirium; Medical Diagnosis; Cause of Death; Incident Report; Law Enforcement Officers; Hawaii Rules of Evidence

**Description:**

Prohibits excited delirium from being recognized as a valid medical diagnosis or cause of death in the State. Prohibits a medical examiner, coroner, or health care provider from stating on a certificate of death or in any report that the cause of death was excited delirium. Prohibits law enforcement officers from using the term excited delirium to describe an individual in an incident report. Establishes a new Hawaii Rule of Evidence that deems evidence that a person experienced or suffered an excited delirium inadmissible in a civil action. Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

