
A BILL FOR AN ACT

RELATING TO MENTAL ILLNESS.

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

1 SECTION 1. The legislature finds that Hawaii's current
2 standard for involuntary hospitalization does not adequately
3 prevent harm either to members of the public or persons
4 suffering from mental illness or substance abuse. By requiring
5 proof that a person is "imminently dangerous to self or others",
6 the law essentially requires the point of danger-and thus
7 potential harm-to have already been reached. Instead, the
8 standard should be more flexible to allow the person to receive
9 treatment before the point of danger has been reached and
10 avoidable harm occurs.

11 The legislature notes that the National Alliance on Mental
12 Illness, in its December 2016 public policy platform, asserts
13 that states should "adopt broader, more flexible standards that
14 would provide for involuntary commitment and/or court ordered
15 treatment when an individual, due to mental illness is gravely
16 disabled" in addition to other grounds. The policy platform
17 defines a "gravely disabled" person as one who "is substantially



1 unable...to provide for any of his or her basic needs, such as
2 food, clothing, shelter, health or safety[.]" The policy
3 platform also explains that "requir[ing] proof of dangerousness
4 often produce[s] unsatisfactory outcomes because individuals are
5 allowed to deteriorate needlessly before involuntary commitment
6 and/or court-ordered treatment can be instituted."

7 The legislature acknowledges that, collectively, Act 221,
8 Session Laws of Hawaii 2013, and Act 114, Session Laws of Hawaii
9 2016, deleted the term "gravely disabled" from the criteria for
10 involuntary hospitalization and increased dependence on a
11 danger-based definition, in furtherance of a pilot program for
12 assisted community treatment that is now permanent. Mentally
13 ill persons who are gravely disabled may not be imminently
14 dangerous to themselves or others but still pose a very real
15 danger to themselves or the public and thus should be covered by
16 the law. While the legislature supports the continuation of the
17 assisted community treatment program and its complementary role
18 in treating mental illness and substance abuse on an outpatient
19 basis, the legislature is cognizant that a portion of the
20 mentally ill population, including the chronically homeless, are



1 being deprived of urgent, medically appropriate mental health
2 intervention that is best administered on an inpatient basis.

3 The purpose of this Act is to protect mentally ill
4 individuals and the public more effectively by amending the
5 definition of "dangerous to self", defining the terms "gravely
6 disabled" and "psychiatric deterioration", broadening the term
7 of "imminently dangerous to self and others", and increasing the
8 maximum period of emergency hospitalization.

9 SECTION 2. Section 334-1, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"PART I. GENERAL AND ADMINISTRATIVE PROVISIONS**

12
13 **§334-1 Definitions.** As used in this chapter unless
14 otherwise indicated by the context:

15 "Administrator" means the person in charge of a public or
16 private hospital.

17 "Admission procedures" mean the various methods for
18 admission of mentally ill persons or of persons habituated to
19 the excessive use of drugs or alcohol to public and private
20 psychiatric facilities.



1 "Authorized absence" means absence of a patient from a
2 psychiatric facility for any period of time with permission.

3 "Behavioral health crisis center" means a facility that is
4 specifically designed and staffed to provide care, diagnosis, or
5 treatment for persons who are experiencing a mental illness or
6 substance use disorder crisis.

7 "Community mental health center" means one or more
8 facilities which alone or in conjunction with other facilities,
9 public or private, are part of a coordinated program providing a
10 variety of mental health services principally for persons
11 residing in a community or communities in or near which the
12 center is located.

13 "Conservator" shall have the meaning provided in section
14 560:5-102.

15 "Court" means any duly constituted court and includes
16 proceedings, hearings of per diem judges as authorized by law.

17 "Dangerous to others" means likely to do substantial
18 physical or emotional injury on another, as evidenced by a
19 recent act, attempt or threat.

20 "Dangerous to property" means inflicting, attempting or
21 threatening imminently to inflict damage to any property in a



1 manner which constitutes a crime, as evidenced by a recent act,
2 attempt or threat.

3 "Dangerous to self" means the person [~~recently has~~]:

4 (1) [~~Threatened~~] Recently has threatened or attempted
5 suicide or serious bodily harm; or

6 (2) [~~Behaved in such a manner as to indicate that the~~
7 ~~person is unable, without supervision and the~~
8 ~~assistance of others, to satisfy the need for~~
9 ~~nourishment, essential medical care, including~~
10 ~~treatment for a mental illness, shelter or self-~~
11 ~~protection, so that it is probable that death,~~
12 ~~substantial bodily injury, or serious physical~~
13 ~~debilitation or disease will result unless adequate~~
14 ~~treatment is afforded.~~] Is gravely disabled.

15 "Department" means the department of health.

16 "Director" means the director of health.

17 "Discharge" means the formal termination on the records of
18 a psychiatric facility of a patient's period of treatment at the
19 facility.

20 "Gravely disabled" means a condition in which a person is
21 unable, without supervision and the assistance of others, to



1 prevent physical or psychiatric deterioration or to satisfy the
2 need for nourishment, essential medical care including treatment
3 for a mental illness, shelter, or self-protection, so that it is
4 probable that death, substantial bodily injury, or serious
5 physical debilitation or disease will result unless adequate
6 treatment is afforded.

7 "Guardian" shall have the meaning provided in section
8 560:5-102.

9 "Health care operations" means the services and activities
10 conducted by an institution, facility, or agency licensed,
11 certified, or otherwise authorized or permitted by law to
12 provide medical or health services in the ordinary course of
13 business, including case management and care coordination,
14 quality assessment and improvement activities, medical reviews,
15 and administrative activities.

16 "Health care provider" means an individual or entity
17 licensed, certified, or otherwise authorized or permitted by law
18 to provide medical or health services in the ordinary course of
19 business or practice of a profession.

20 "Homeless individual" means an individual who is homeless
21 as defined under section 346-361 and who has a serious and



1 persistent mental illness or is otherwise eligible for
2 treatment.

3 "Imminently dangerous to self or others" means that,
4 without intervention, the person will likely become dangerous to
5 self or dangerous to others within the next [~~forty-five~~] ninety
6 days.

7 "Incapacitated person" shall have the meaning provided in
8 section 560:5-102.

9 "Interested person" means an interested, responsible adult,
10 including but not limited to a public official, the legal
11 guardian, spouse, parent, legal counsel, adult child, or next of
12 kin of a person allegedly mentally ill, mentally deficient or
13 suffering from substance abuse or as otherwise provided in
14 article I of chapter 560.

15 "Intoxicated person" means a person who is deprived of
16 reasonable self-control because of intake of alcohol or because
17 of any substance which includes in its composition volatile
18 organic solvents.

19 "Judge" means any judge of the family court or per diem
20 judge appointed by the chief justice as provided in section 604-
21 2.



1 "Law enforcement officer" has the same meaning as in
2 section 710-1000.

3 "Licensed physician" means a physician or surgeon licensed
4 by the State to practice medicine, including a physician and
5 surgeon granted a limited and temporary license under section
6 453-3(1), (2), and (5) or a resident physician and surgeon
7 granted a limited and temporary license under paragraph (4)
8 thereof, or a medical officer of the United States while in this
9 State in the performance of the medical officer's official
10 duties.

11 "Mental health" means a state of social, psychological, and
12 physical well-being, with capacity to function effectively in a
13 variety of social roles.

14 "Mental health emergency worker" means a person designated
15 by the department to provide crisis intervention and emergency
16 stabilization services and to assist in determining whether a
17 mentally ill person is likely to meet the criteria for emergency
18 admission and examination.

19 "Mentally ill person" means a person having psychiatric
20 disorder or other disease which substantially impairs the



1 person's mental health and necessitates treatment or
2 supervision.

3 "Patient" means a person under observation, care, or
4 treatment at a psychiatric facility.

5 "Person suffering from substance abuse" means a person who
6 uses narcotic, stimulant, depressant, or hallucinogenic drugs or
7 alcohol to an extent which interferes with the person's
8 personal, social, family, or economic life.

9 "Protected person" shall have the meaning provided in
10 section 560:5-102.

11 "Psychiatric deterioration" means a substantial impairment
12 or an obvious decline of an individual's judgment, reasoning, or
13 ability to control behavior.

14 "Psychiatric facility" means a public or private hospital
15 or part thereof which provides inpatient or outpatient care,
16 custody, diagnosis, treatment or rehabilitation services for
17 mentally ill persons or for persons habituated to the excessive
18 use of drugs or alcohol or for intoxicated persons.

19 "Special treatment facility" means a public or private
20 facility which provides a therapeutic residential program for
21 care, diagnosis, treatment or rehabilitation services for



1 emotionally distressed persons, mentally ill persons or persons
2 suffering from substance abuse.

3 "Therapeutic living program" means a supervised living
4 arrangement that provides mental health or substance abuse
5 services for individuals or families who do not need the
6 structure of a special treatment facility and are transitioning
7 from a more restrictive treatment setting to independent living.
8 The program aids residents in meeting basic needs and provides
9 supportive services through a required service plan.

10 "Treatment" means the broad range of emergency, out-
11 patient, intermediate, domiciliary, and inpatient services and
12 care, including diagnostic evaluation, medical, psychiatric,
13 psychological, and social service care, vocational
14 rehabilitation, career counseling, and other special services
15 which may be extended to handicapped persons.

16 "Treatment summary" means a record of information including
17 present history and physical examination, mental status
18 examination, emergency department record, intake evaluation,
19 eligibility determination, current medication list and
20 prescription history, treatment plan, consultant reports,
21 diagnosis and problem lists, recent laboratory and diagnostic



1 testing, clinical or discharge summaries, and discharge
2 instructions, or any combination of such information.

3 "Unauthorized absence" means absence of a patient from a
4 psychiatric facility for any period of time without permission."

5 SECTION 3. Section 334-59, Hawaii Revised Statutes, is
6 amended by amending subsection (e) to read as follows:

7 "(e) Release from emergency hospitalization. If at any
8 time during the period of emergency hospitalization the treating
9 physician determines that the patient no longer meets the
10 criteria for emergency hospitalization and the examination
11 pursuant to section 334-121.5 has been completed, the physician
12 shall expediently discharge the patient. If the patient is
13 under criminal charges, the patient shall be returned to the
14 custody of a law enforcement officer. In any event, the patient
15 shall be released within [~~forty-eight~~] seventy-two hours of the
16 patient's admission to a psychiatric facility or other facility
17 designated by the director, unless the patient voluntarily
18 agrees to further hospitalization, or a proceeding for court-
19 ordered evaluation or hospitalization, or both, is initiated as
20 provided in section 334-60.3. If that time expires on a
21 Saturday, Sunday, or holiday, the time for initiation is



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1 extended to the close of the next court day. Upon initiation of
2 the proceedings, the facility shall be authorized to detain the
3 patient until further order of the court."

4 SECTION 4. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 5. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect on July 1, 2026.

10 INTRODUCED BY:


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Report Title:

Minority Caucus Package; Mental Illness; Hospitalization

Description:

Amends the definition of "dangerous to self". Defines the terms "gravely disabled" and "psychiatric deterioration". Broadens the term of "imminently dangerous to self and others".
Increases the maximum period of emergency hospitalization.

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