

STAND. COM. REP. NO. 1595-26

Honolulu, Hawaii

APR 01 , 2026

RE: H.R. No. 138
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Madame:

Your Committee on Health, to which was referred H.R. No. 138
entitled:

"HOUSE RESOLUTION URGING THE LEGISLATURE TO PRIORITIZE THE
CONSIDERATION OF LEGISLATION PROHIBITING THE USE OF "EXCITED
DELIRIUM", OR SIMILAR PSEUDOSCIENTIFIC CONCEPTS, AS A MEDICAL
DIAGNOSIS, CAUSE OF DEATH, OR LEGAL THEORY IN THE STATE OF
HAWAII,"

begs leave to report as follows:

The purpose of this measure is to urge the Legislature to
prioritize the consideration of legislation prohibiting the use of
"excited delirium", or similar pseudoscientific concepts, as a
medical diagnosis, cause of death, or legal theory in the State of
Hawaii.

Your Committee received testimony in support of this measure
from the Hawaii Disability Rights Center; Haddad & Sherwin LLP;
Hui Malama Hawaii; American Civil Liberties Union of Hawai'i; Drug
Policy Forum of Hawai'i; and numerous individuals.

Your Committee finds that although law enforcement has often
used "excited delirium" as a justification for use of force,
particularly in incidents involving individuals experiencing
mental health crises or people of color, "excited delirium" is not
a recognized medical diagnosis, has no basis in accepted medical

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science, and lacks consistent or objective diagnostic criteria. Your Committee believes that steps should be taken to prohibit the use of this unsupported terminology when issuing death certificates or in the defense of the use of force by law enforcement.

Your Committee has amended this measure by:

- (1) Deleting language urging the Legislature to prioritize the consideration of specific legislation;
- (2) Inserting language urging the counties to adopt ordinances that prohibit the use of "excited delirium", or similar terminology, as a medical diagnosis, cause of death, or legal theory;
- (3) Amending the list of recipients of certified copies of this measure;
- (4) Amending its title to reflect its amended purpose; 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 that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 138, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as H.R. No. 138, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Health,



GREGG TAKAYAMA, Chair



