

DAVID Y. IGE

April 28, 2016

HONOLULU

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

The Honorable Joseph M. Souki, Speaker and Members of the House of Representatives Twenty-Eighth State Legislature State Capitol, Room 431 Honolulu, Hawai'i 96813

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

This is to inform you that on April 28, 2016, the following bill was signed into law:

SB2887 SD1

RELATING TO DEVELOPMENTAL DISABILITIES ACT 032 (16)

Sincerely,

DAVID-Y-IGE

Governor, State of Hawai'i

On APR 2 8 2016
THE SENATE
TWENTY-EIGHTH LEGISLATURE, 2016
STATE OF HAWAII

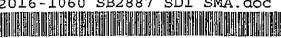
ACT 0 3 2 S.B. NO. S.D. 1

## A BILL FOR AN ACT

RELATING TO DEVELOPMENTAL DISABILITIES.

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

- 1 SECTION 1. Pursuant to House Concurrent Resolution No. 17
- 2 adopted in 2014, the department of health established a task
- 3 force to review Hawaii's statutory definition of "developmental
- 4 disabilities".
- 5 The task force found that the federal definition of
- 6 "developmental disabilities" was revised in 2000 to include
- 7 infants and young children with substantial developmental delays
- 8 or specific congenital or acquired conditions, where due to
- 9 their age, functional criteria that are used for adolescents and
- 10 adults could not be reliably applied to infants and young
- 11 children. Since Hawaii's current statutory definition of
- 12 "developmental disabilities" requires that an individual have
- 13 three or more functional limitations in major life activities,
- 14 this can exclude infants and young children from receiving
- 15 necessary services since these life activities cannot reliably
- 16 be assessed.
- 17 The task force recommends amending the current definition
- of "developmental disabilities" in section 333F-1, Hawaii 2016-1060 SB2887 SD1 SMA.doc



- 1 Revised Statutes, to clarify that an individual from birth to
- 2 age nine who has substantial developmental delays or specific
- 3 congenital or acquired conditions may be considered to have a
- 4 developmental disability without meeting three or more of the
- 5 criteria described in the current definition if the infant or
- 6 child, without services and supports, has a high probability of
- 7 meeting these criteria later in life.
- 8 SECTION 2. Section 333F-1, Hawaii Revised Statutes, is
- 9 amended by amending the definition of "developmental
- 10 disabilities" to read as follows:
- ""Developmental disabilities" means a severe, chronic
- 12 disability of a person which:
- 13 (1) Is attributable to a mental or physical impairment or
- 14 combination of mental and physical impairments;
- 15 (2) Is manifested before the person attains age twenty-
- 16 two;
- 17 (3) Is likely to continue indefinitely;
- 18 (4) Results in substantial functional limitations in three
- 19 or more of the following areas of major life
- activity[+]: self-care, receptive and expressive

1	language, learning, mobility, self-direction, capacity
2	for independent living, and economic sufficiency; and
3	(5) Reflects the person's need for a combination and
4	sequence of special, interdisciplinary, or generic
5	care, treatment, or other services [which] that are of
6	lifelong or extended duration and are individually
7	planned and coordinated.
8	An individual from birth to age nine who has a substantial
9	developmental delay or specific congenital or acquired condition
10	may be considered to have a developmental disability without
11	meeting three or more of the criteria described above, if the
12	individual, without services and supports, has a high
13	probability of meeting those criteria later in life."
14	SECTION 3. Statutory material to be repealed is bracketed
15	and stricken. New statutory material is underscored.
16	SECTION 4. This Act shall take effect upon its approval.
17	

APPROVED this 2.8 day of APR , 2016

GOVERNOR OF THE STATE OF HAWAII