

STAND. COM. REP. NO. 2901

Honolulu, Hawaii

FEB 27 2020

RE: S.B. No. 2281  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,  
to which was referred S.B. No. 2281 entitled:

"A BILL FOR AN ACT RELATING TO BEHAVIOR ANALYSTS,"

begs leave to report as follows:

The purpose and intent of this measure is to repeal the  
sunset date on the regulation of behavior analysis.

Your Committee received testimony in support of this measure  
from the Department of Education, Hawai'i Psychological  
Association, Hawai'i Association for Behavior Analysis, Hawaii  
Disability Rights Center, Hawaii State Teachers Association,  
Special Education Advisory Council, and five individuals. Your  
Committee received testimony in opposition to this measure from  
one individual. Your Committee received comments on this measure  
from the Department of Commerce and Consumer Affairs.

Your Committee finds that behavior analysis means the design,  
implementation, and evaluation of instructional and environmental  
modifications to produce socially significant improvements in  
human behavior. The practice of behavior analysis includes the  
empirical identification of functional relations between behavior  
and environmental factors, known as functional assessment and  
analysis, including the use of motivating operations, positive  
reinforcement, and other methods to help people develop positive  
behaviors. Act 199, Session Laws of Hawaii 2015 (Act 199),



established the licensing requirements for behavior analysts in the State. Since the enactment of Act 199, hundreds of behavior analysts have become licensed and thousands of children with autism are now receiving access to applied behavior analysis. This measure will help continue the licensure program of behavior analysts to protect the public from the unqualified practice of behavior analysis and from unprofessional conduct by behavior analysts.

Your Committee has heard the testimony that this measure should be subject to an evaluation and report by the Auditor. Your Committee has also heard the testimony in support of this measure that nearly one thousand five hundred public school students are currently diagnosed as having autism spectrum disorder and that behavior analysts provide critical assistance to these students and their teachers. Because the number of licensed behavior analysts in the State has steadily grown due to present demands, now is the appropriate time to formalize the licensing requirements for this field to ensure that these important services are continued for those who require them.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language that exempts this measure from the evaluation and report requirements of section 26H-5, Hawaii Revised Statutes; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2281, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2281, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Commerce, Consumer  
Protection, and Health,

  
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ROSALYN H. BAKER, Chair



