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# A BILL FOR AN ACT

RELATING TO FETAL ALCOHOL SPECTRUM DISORDERS.

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

PART I

SECTION 1. The legislature finds that fetal alcohol spectrum disorders (FASD) are lifelong physical, developmental, behavioral, and intellectual disabilities caused by brain damage due to prenatal alcohol exposure. According to the Centers for Disease Control and Prevention, these disorders impact as many as one in twenty first graders in the United States, and are more prevalent than autism disorders, spina bifida, cerebral palsy, and Down syndrome combined.

The legislature recognizes that individuals who have FASD face unique challenges. For example, while children who have autism spectrum disorders share many of the same behavioral characteristics and related mental health diagnoses of children who have fetal alcohol spectrum disorders, the latter also tend to struggle with: distractions; feelings of being different from other people; difficulties following through with instructions; emotional dysregulation; hyperactivity; sleep



1 disturbance; indiscriminate affection with strangers; lying;  
2 difficulties in learning; and difficulties in understanding the  
3 causes and consequences of behavior. Further, due to diffuse  
4 brain damage, children who have FASD may also: exhibit startled  
5 responses; suffer from depression, often in teenage years; fail  
6 to take initiative; fail to manage or comprehend time; lose  
7 their temper; tend to argue with those in authority; and appear  
8 defiant. Although many of these behaviors may appear to  
9 resemble typical teenage behaviors, many individuals who have  
10 FASD do not grow out of these behaviors when they become adults.

11 The legislature also finds that an estimated seventy  
12 thousand eight hundred people living in Hawaii could be impacted  
13 by FASD. Of the nearly seventeen thousand babies born annually  
14 in the State, as many as eight hundred forty are estimated to  
15 have a FASD. Raising a child who has a FASD costs thirty times  
16 more than the cost of successful prevention efforts. The impact  
17 of these disorders costs the State an estimated \$876,000,000  
18 annually. Few children in Hawaii are diagnosed using best  
19 practices. Eighty-five per cent of children in foster care or  
20 adopted families are not diagnosed or are misdiagnosed.



1       Of the one hundred seventy-four thousand students in Hawaii  
2 schools, as many as eight thousand seven hundred may have FASD,  
3 yet far fewer are diagnosed. FASD is not tracked in special  
4 education, and most schools lack trained staff and the ability  
5 to support students who have FASD. By age twelve, sixty-one per  
6 cent of individuals who have FASD may be expelled, suspended, or  
7 drop out of school. By age thirteen, more than sixty per cent  
8 of students who have FASD may experience trouble with law  
9 enforcement. Many students who have FASD will not qualify for  
10 services dedicated to those who have developmental disabilities,  
11 even when they are correctly diagnosed. Many individuals who  
12 have FASD have normal intelligence quotient scores, but function  
13 below their chronological age, and are sometimes precluded from  
14 receiving needed services. A high proportion of older youths  
15 and adults who have the disorders struggle with independent  
16 living and unemployment. Individuals who have FASD, with or  
17 without a diagnosis, face high rates of incarceration and  
18 recidivism. More than ninety per cent of individuals who have  
19 FASD will develop co-morbid mental health conditions.



1 Accordingly, the purpose of the Act is to:

- 2 (1) Establish within the department of health a fetal  
3 alcohol spectrum disorders task force, which shall  
4 develop guidelines, recommendations, and teaching  
5 protocols relating to fetal alcohol spectrum disorders  
6 and report to the legislature thereon; and
- 7 (2) Appropriate moneys to the department of health to  
8 establish and support the fetal alcohol spectrum  
9 disorders task force.

10 PART II

11 SECTION 2. (a) There is established a fetal alcohol  
12 spectrum disorders task force, to be placed in the department of  
13 health for administrative purposes.

14 (b) The following individuals, or their designees, shall  
15 serve as members of the fetal alcohol spectrum disorders task  
16 force:

- 17 (1) The director of health, who shall serve as chair of  
18 the task force;
- 19 (2) The chief justice of the supreme court;
- 20 (3) The president of the senate;
- 21 (4) The speaker of the house of representatives;



1 (5) The director of human services;

2 (6) The superintendent of education;

3 (7) The insurance commissioner; and

4 (8) The president of the Hawaii disability rights center.

5 (c) The chair of the task force shall invite the following  
6 individuals to serve as members of the task force:

7 (1) An expert in fetal alcohol spectrum disorders;

8 (2) An individual having a fetal alcohol spectrum  
9 disorder, or the individual's guardian; and

10 (3) Any other individuals having relevant experience  
11 relating to the work of the task force.

12 (d) The fetal alcohol spectrum disorders task force shall  
13 develop:

14 (1) Guidelines and recommendations for governmental  
15 support of individuals having fetal alcohol spectrum  
16 disorders, including guidelines and recommendations  
17 for outreach, treatment, and resource identification;

18 (2) Teaching protocols relating to fetal alcohol spectrum  
19 disorders, with assistance from the department of  
20 education;



(3) Pathways by which state departments may implement policies and procedures relating to the foregoing guidelines, recommendations, and teaching protocols; and

(4) A proposed time frame for the full implementation of the foregoing guidelines, recommendations, and teaching protocols.

(e) The fetal alcohol spectrum disorders task force shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the Regular Session of 2023.

(f) The fetal alcohol spectrum disorders task force shall be dissolved on July 1, 2023.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2022-2023 to support the establishment and work of the fetal alcohol spectrum disorders task force, pursuant to section 2 of this Act, and to obtain any assistance necessary to enable the task force to carry out its duties, including assistance with the development



1 of guidelines, recommendations, and teaching protocols relating  
2 to fetal alcohol spectrum disorders and the preparation of the  
3 report to the legislature thereon.

4 The sum appropriated shall be expended by the department of  
5 health for the purposes of this Act; provided that the  
6 department may contract with a third party to provide any  
7 necessary assistance to the task force.

8 SECTION 4. This Act shall take effect on January 1, 2050.



**Report Title:**

Fetal Alcohol Spectrum Disorders; Task Force; DOH; Appropriation

**Description:**

Establishes a temporary fetal alcohol spectrum disorders task force within the Department of Health for administrative purposes. Requires a report to the Legislature. Appropriates moneys to establish and support the work of the task force. Authorizes the Department of Health to contract with a third party to assist the task force. Effective 1/1/2050. (SD2)

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