

JAN 19 2023

A BILL FOR AN ACT

RELATING TO FETAL ALCOHOL SPECTRUM DISORDERS.

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

1 SECTION 1. The legislature finds that fetal alcohol
2 spectrum disorders (FASDs) are lifelong physical, developmental,
3 behavioral, and intellectual conditions caused by prenatal
4 exposure to alcohol. According to the Centers for Disease
5 Control and Prevention, up to one in five school children in the
6 United States may have a FASD. FASDs are more prevalent than
7 autism disorders, spina bifida, cerebral palsy, and Down
8 syndrome combined.

9 The legislature recognizes that individuals with FASDs face
10 unique challenges. For example, while children with autism
11 spectrum disorders share many of the same behavioral
12 characteristics and related mental health diagnoses of children
13 with FASDs, the latter tend to also struggle with feelings of
14 being different from others, difficulties following through with
15 instructions, emotional dysregulation, sleep disturbance,
16 indiscriminate affection with strangers, lying, learning
17 difficulties, and difficulties in understanding the causes and



1 consequences of behaviors. Further, due to diffuse brain
2 damage, children with FASDs may also exhibit startled responses;
3 suffer from depression, often in teenage years; fail to take
4 initiative; fail to manage or comprehend time; lose one's
5 temper; tend to argue with those in authority; and appear
6 defiant. Although many of these behaviors may appear to
7 resemble typical teenage behaviors, many individuals with FASDs
8 retain these behaviors through adulthood.

9 The legislature also finds that FASDs may impact an
10 estimated seventy thousand eight hundred people living in
11 Hawaii. Of the nearly seventeen thousand babies born annually
12 in the State, as many as eight hundred forty are estimated to
13 have FASDs. However, few children in Hawaii are diagnosed using
14 best practices. Within foster care and adoptive families,
15 eighty-five per cent of children are not diagnosed, or are
16 misdiagnosed. Raising a child with a FASD costs thirty times
17 more than the cost of successful prevention efforts, and FASDs
18 cost the State an estimated \$876,000,000 annually.

19 Of the 174,000 students in Hawaii schools, as many as eight
20 thousand seven hundred may have FASDs, yet far fewer are
21 diagnosed. Many individuals with FASDs have normal intelligence



1 quotient scores but function below their chronological age, and
2 many students with FASDs do not qualify for services dedicated
3 to those with developmental disabilities, even when the students
4 are correctly diagnosed. FASDs are not tracked in special
5 education, and most schools lack trained staff and the ability
6 to support students with FASDs. By age thirteen, more than
7 sixty per cent of students with FASDs may experience trouble
8 with law enforcement, and individuals with FASDs, with or
9 without a diagnosis, face high rates of incarceration and
10 recidivism. A high proportion of older youths and adults with
11 FASDs struggle with independent living and unemployment. More
12 than ninety per cent of individuals with FASDs will develop
13 co-morbid mental health conditions.

14 The legislature further finds that Canada has adopted
15 diagnostic guidelines for FASDs. The creation of a task force
16 to develop similar guidelines and a screening tool will be
17 helpful in preparing proposed legislation to assist the
18 legislature in providing the best possible support for
19 individuals with FASDs.

20 Accordingly, the purpose of this Act is to:



1 (1) Establish within the department of health a fetal
2 alcohol spectrum disorders task force that shall
3 develop guidelines, recommendations, teaching
4 protocols, and a screening tool relating to fetal
5 alcohol spectrum disorders and report to the
6 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 SECTION 2. (a) There is established a fetal alcohol
11 spectrum disorders task force to be placed in the department of
12 health for administrative purposes.

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

16 (1) The director of health, who shall serve as chair of
17 the task force;

18 (2) The chief justice of the supreme court;

19 (3) The president of the senate;

20 (4) The speaker of the house of representatives;

21 (5) The director of human services;



- 1 (6) The superintendent of education;
- 2 (7) The insurance commissioner; and
- 3 (8) The executive director of the Hawaii Disability Rights
- 4 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 with a fetal alcohol spectrum disorder,
- 9 or the individual's guardian; and
- 10 (3) Any other individuals with experience relevant to the
- 11 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 with fetal alcohol spectrum
- 16 disorders, including outreach, treatment, and resource
- 17 identification guidelines and recommendations;
- 18 (2) Teaching protocols relating to fetal alcohol spectrum
- 19 disorders, with assistance from the department of
- 20 education;



1 (3) A fetal alcohol spectrum disorders screening tool in
2 accordance with the Canada Fetal Alcohol Spectrum
3 Disorder Research Network's diagnostic guidelines;

4 (4) Pathways for state departments to implement policies
5 and procedures relating to paragraphs (1) through (3);
6 and

7 (5) A proposed time frame for the complete implementation
8 of paragraphs (1) through (3).

9 (e) The fetal alcohol spectrum disorders task force shall
10 submit a report of its findings and recommendations, including
11 any proposed legislation, to the legislature no later than
12 twenty days prior to the convening of the regular session of
13 2024.

14 (f) The fetal alcohol spectrum disorders task force shall
15 dissolve on July 1, 2024.

16 SECTION 3. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ or so
18 much thereof as may be necessary for fiscal year 2023-2024 and
19 the same sum or so much thereof as may be necessary for fiscal
20 year 2024-2025 for the establishment of the fetal alcohol



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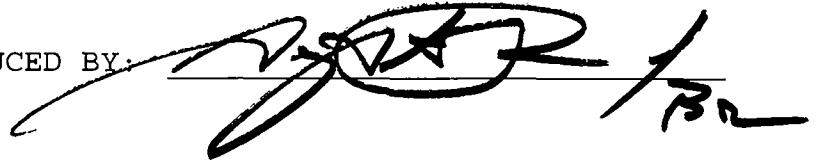
1 spectrum disorders task force and procurement of any services
2 required for the task force to carry out its duties.

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

7 SECTION 4. This Act shall take effect on July 1, 2023.

8

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and appears to be the name of the representative who introduced the bill.

S.B. NO. 318

Report Title:

Fetal Alcohol Spectrum Disorders; Task Force; Department of Health; Appropriation

Description:

Establishes the Fetal Alcohol Spectrum Disorders Task Force within the Department of Health. Requires a report to the Legislature. Dissolves the task force on 7/1/2024. Appropriates moneys to the Department of Health 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.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

