

A Bill for an Act Relating to Developmental Disabilities.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Pursuant to House Concurrent Resolution No. 17 adopted in 2014, the department of health established a task force to review Hawaii's statutory definition of "developmental disabilities".

The task force found that the federal definition of "developmental disabilities" was revised in 2000 to include infants and young children with substantial developmental delays or specific congenital or acquired conditions, where due to their age, functional criteria that are used for adolescents and adults could not be reliably applied to infants and young children. Since Hawaii's current statutory definition of "developmental disabilities" requires that an individual have three or more functional limitations in major life activities, this can exclude infants and young children from receiving necessary services since these life activities cannot reliably be assessed.

The task force recommends amending the current definition of "developmental disabilities" in section 333F-1, Hawaii Revised Statutes, to clarify that an individual from birth to age nine who has substantial developmental delays or specific congenital or acquired conditions may be considered to have a developmental disability without meeting three or more of the criteria described in the current definition if the infant or child, without services and supports, has a high probability of meeting these criteria later in life.

SECTION 2. Section 333F-1, Hawaii Revised Statutes, is amended by amending the definition of "developmental disabilities" to read as follows:

““Developmental disabilities” means a severe, chronic disability of a person which:

- (1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (2) Is manifested before the person attains age twenty-two;
- (3) Is likely to continue indefinitely;
- (4) Results in substantial functional limitations in three or more of the following areas of major life activity[;]: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic sufficiency; and
- (5) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services [~~which~~] that are of lifelong or extended duration and are individually planned and coordinated.

An individual from birth to age nine who has a substantial developmental delay or specific congenital or acquired condition may be considered to have a developmental disability without meeting three or more of the criteria described above, if the individual, without services and supports, has a high probability of meeting those criteria later in life.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 28, 2016.)