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

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

Of the one hundred seventy-four thousand students in Hawaii schools, as many as eight thousand seven hundred may have FASD, yet far fewer are diagnosed. FASD is not tracked in special education, and most schools lack trained staff and the

ability to support students who have FASD. By age twelve, sixty-one per cent of individuals who have FASD may be expelled, suspended, or drop out of school. By age thirteen, more than sixty per cent of students who have FASD may experience trouble with law enforcement. Many students who have FASD will not qualify for services dedicated for those who have developmental disabilities, even when they are correctly diagnosed. Many individuals who have FASD have normal intelligence quotient scores, but function below their chronological age, and are sometimes precluded from receiving needed services. A high proportion of older youths and adults who have the disorders struggle with independent living and unemployment. Individuals who have FASD, with or without a diagnosis, face high rates of incarceration and recidivism. More than ninety per cent of individuals who have FASD will develop co morbid mental health conditions.

Accordingly, the purpose of the Act is to:

- (1) Establish a fetal alcohol spectrum disorders task force within the department of health, which shall develop and report to the legislature regarding guidelines, recommendations, and teaching protocols relating to fetal alcohol spectrum disorders; and
- (2) Appropriate funds to the department of health to establish and support the fetal alcohol spectrum disorders task force.

PART II

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

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

- (1) The director of health, who shall serve as chair of the task force;
- (2) The chief justice of the supreme court;
- (3) The president of the senate;
- (4) The speaker of the house of representatives;
- (5) The director of human services;
- (6) The superintendent of education;
- (7) The insurance commissioner; and

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

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

- (1) An expert in fetal alcohol spectrum disorders;
- (2) An individual having a fetal alcohol spectrum disorder, or the individual's guardian; and
- (3) Any other individuals having relevant experience relating to the work of the task force.

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

- (1) Guidelines and recommendations for governmental support of individuals having fetal alcohol spectrum disorders, including guidelines and recommendations for outreach, treatment, and resource identification;
- (2) Teaching protocols, with assistance from the department of 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 timeframe 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 dissolve 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.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

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

Report Title:

Fetal Alcohol Spectrum Disorders; Task Force; DOH; DHS; 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 funds to establish and support the work of the task force. Effective 1/1/2050. (SD1)

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