

JAN 21 2022

A BILL FOR AN ACT

RELATING TO FETAL ALCOHOL SPECTRUM DISORDERS.

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

1 PART I

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

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



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

13 The legislature also finds that an estimated seventy
14 thousand eight hundred people living in Hawaii could be impacted
15 by fetal alcohol spectrum disorders. Of the nearly seventeen
16 thousand babies born annually in the State, as many as eight
17 hundred forty are estimated to have a fetal alcohol spectrum
18 disorder. Raising a child who has a fetal alcohol spectrum
19 disorder costs thirty times more than the cost of successful
20 prevention efforts. The impact of these disorders costs the
21 State an estimated \$876,000,000 annually. Few children in



1 Hawaii are diagnosed using best practices. Eighty-five per cent
2 of children in foster care or adopted families are not diagnosed
3 or misdiagnosed.

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



1 rates of incarceration and recidivism. More than ninety per
2 cent of individuals who have the disorders will develop
3 co-morbid mental health conditions.

4 The legislature also recognizes that in 2021, members of
5 Congress introduced H.R. 4151 and S. 2238, which are identical
6 bills, each given the alternative titles of the "Advancing FASD
7 [fetal alcohol spectrum disorder] Research, Services, and
8 Prevention Act" and the "FASD Respect Act". The bills address
9 the issues surrounding support services, prevention public
10 health, and research programs relating to the disorders. The
11 bills enhance programs and funding for research relating to
12 prevention of the disorders, screening, identification, and
13 research and services by federal, state, local, and private
14 stakeholders. The legislature believes that the State should be
15 ready to properly hold and administer federal moneys if this
16 federal legislation becomes law.

17 Accordingly, the purpose of the Act is to establish:

18 (1) A fetal alcohol spectrum disorders task force, which
19 shall develop and report to the legislature regarding
20 guidelines, recommendations, and teaching protocols
21 relating to fetal alcohol spectrum disorders; and



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

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

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

- 10 (1) Guidelines and recommendations for governmental
11 support of individuals having fetal alcohol spectrum
12 disorders, including guidelines and recommendations
13 for outreach, treatment, and resource identification;
- 14 (2) Teaching protocols, with assistance from the
15 department of education;
- 16 (3) Pathways by which state departments may implement
17 policies and procedures relating to the foregoing
18 guidelines, recommendations, and teaching protocols;
19 and



1 (4) A proposed timeframe for the full implementation of
2 the foregoing guidelines, recommendations, and
3 teaching protocols.

4 (e) The fetal alcohol spectrum disorders task force shall
5 submit a report of its findings and recommendations, including
6 any proposed legislation, to the legislature no later than
7 twenty days prior to the convening of the Regular Session of
8 2023.

9 (f) The fetal alcohol spectrum disorders task force shall
10 dissolve on July 1, 2023.

11 PART III

12 SECTION 3. Chapter 346, Hawaii Revised Statutes, is
13 amended by adding a new section to part I to be appropriately
14 designated and to read as follows:

15 "§346- Fetal alcohol spectrum disorders special fund;
16 established. (a) There is established within the state
17 treasury a special fund to be known as the fetal alcohol
18 spectrum disorders special fund to be administered and expended
19 by the department of human services.

20 (b) The fund shall consist of:



- 1 (1) Federal funds granted by Congress or presidential
- 2 executive order for the purpose of assisting
- 3 individuals having fetal alcohol spectrum disorders;
- 4 and
- 5 (2) Interest accrued to the moneys in the special fund.
- 6 (c) The moneys in the fetal alcohol spectrum disorders
- 7 special fund shall be used by the department of human services
- 8 to provide assistance to individuals having fetal alcohol
- 9 spectrum disorders, in a manner that complies with federal law
- 10 or presidential executive orders, as applicable."

PART IV

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY: Rosalyn H Baker



S.B. NO. 2647

Report Title:

Fetal Alcohol Spectrum Disorders; Task Force; DOH; DHS; Federal Funds

Description:

Establishes a temporary fetal alcohol spectrum disorders task force within the Department of Health for administrative purposes. Requires a report to the Legislature. Establishes the fetal alcohol spectrum disorders special fund, to be administered by the Department of Human Services, and which shall consist of federal funds and interest earned on those funds.

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