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# A BILL FOR AN ACT

RELATING TO SUBSTANCE ABUSE.

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

1           SECTION 1. Act 213, Session Laws of Hawaii 2005, created  
2 the student substance abuse assessment and treatment advisory  
3 task force, charged with:

4           (1) Reviewing the process by which a child who violates  
5 the zero tolerance policy for drugs and alcohol in  
6 public schools is referred for assessment and  
7 treatment of substance abuse and excluded from school;  
8 and

9           (2) Reporting its findings and recommendations, including  
10 any proposed legislation, to the legislature prior to  
11 the convening of the regular session of 2006.

12 Act 213 also amended the zero tolerance policy to allow a child  
13 to return to school earlier than indicated in the original  
14 disciplinary determination, following the completion of a  
15 substance abuse assessment and any related treatment or  
16 counseling.

17           Although minimum insurance benefits for substance abuse  
18 treatment are statutorily required under chapter 431M, Hawaii



1 Revised Statutes, there is little use of these benefits because  
2 insurers lack enough providers to conduct the substance abuse  
3 assessments necessary to qualify individuals for covered  
4 services. This is of particular concern in the case of children  
5 facing substance abuse-related school discipline under the zero  
6 tolerance policy.

7 The purpose of this Act is to improve the process by which  
8 public school students are assessed and treated for substance  
9 abuse by:

- 10 (1) Making the zero tolerance policy for public schools,  
11 as amended by Act 213, permanent;
- 12 (2) Further amending the public school zero tolerance  
13 policy for drugs and alcohol as recommended by the  
14 student substance abuse assessment and treatment  
15 advisory task force; and
- 16 (3) Allowing certified substance abuse counselors to  
17 conduct assessments to qualify individuals for  
18 substance abuse-related insurance benefits.

19 SECTION 2. Section 431M-1, Hawaii Revised Statutes, is  
20 amended by adding a new definition to be appropriately inserted  
21 and to read as follows:



1        "Certified substance abuse counselor" means a person who  
2 is certified pursuant to section 321-193."

3        SECTION 3. Section 431M-4, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5        "(b) Alcohol and drug dependence benefits shall be as  
6 follows:

7        (1) Detoxification services as a covered benefit under  
8 this chapter shall be provided either in a hospital or  
9 in a nonhospital facility ~~[which]~~ that has a written  
10 affiliation agreement with a hospital for emergency,  
11 medical, and mental health support services. The  
12 following services shall be covered under  
13 detoxification services:

- 14        (A) Room and board;
- 15        (B) Diagnostic x-rays;
- 16        (C) Laboratory testing; and
- 17        (D) Drugs, equipment use, special therapies, and  
18        supplies.

19        Detoxification services shall be included as part of  
20 the covered in-hospital services, but shall not be  
21 included in the treatment episode limitation, as  
22 specified in subsection (a);



- 1           (2) Alcohol or drug dependence treatment through in-  
2           hospital, nonhospital residential, or day treatment  
3           substance abuse services as a covered benefit under  
4           this chapter shall be provided in a hospital or  
5           nonhospital facility. Before a person qualifies to  
6           receive benefits under this subsection, a qualified  
7           physician, psychologist, licensed clinical social  
8           worker, or advanced practice registered nurse shall  
9           determine that the person suffers from alcohol or drug  
10          dependence, or both[~~—The~~]; provided that the  
11          substance abuse services covered under this paragraph  
12          shall include those services [~~which~~] that are required  
13          for licensure and accreditation[~~7~~] and shall be  
14          included as part of the covered in-hospital services  
15          as specified in subsection (a). Excluded from alcohol  
16          or drug dependence treatment under this subsection are  
17          detoxification services and educational programs to  
18          which drinking or drugged drivers are referred by the  
19          judicial system[~~7~~] and services performed by mutual  
20          self-help groups; [~~and~~]
- 21          (3) Alcohol or drug dependence outpatient services as a  
22          covered benefit under this chapter shall be provided



1 under an individualized treatment plan approved by a  
2 qualified physician, psychologist, licensed clinical  
3 social worker, or advanced practice registered nurse  
4 and ~~must~~ shall be services reasonably expected to  
5 produce remission of the patient's condition. An  
6 individualized treatment plan approved by a licensed  
7 clinical social worker or an advanced practice  
8 registered nurse for a patient already under the care  
9 or treatment of a physician or psychologist shall be  
10 done in consultation with the physician or  
11 psychologist. Services covered under this paragraph  
12 shall be included as part of the covered outpatient  
13 services as specified in subsection (a) ~~[-]~~; and  
14 (4) Substance abuse assessments for alcohol or drug  
15 dependence as a covered benefit under this section for  
16 a child facing disciplinary action under section 302A-  
17 1134.6 shall be provided by a qualified physician,  
18 psychologist, licensed clinical social worker,  
19 advanced practice registered nurse, or certified  
20 substance abuse counselor. The certified substance  
21 abuse counselor shall be employed by a hospital or  
22 nonhospital facility providing substance abuse



1           services. The substance abuse assessment shall  
2           evaluate the suitability for substance abuse treatment  
3           and placement in an appropriate treatment setting."

4           SECTION 4. Act 213, Session Laws of Hawaii 2005, is  
5 amended as follows:

6           1. By amending section 2 to read:

7           "SECTION 2. Section 302A-1134.6, Hawaii Revised Statutes,  
8 is amended by amending subsection (f) to read as follows:

9           "(f) A child determined to be in violation of subsection  
10 (b) or (c) shall be subject to the department's disciplinary  
11 rules; provided that:

12           (1) The school shall administer a screening tool approved  
13           by the department to determine whether there is a need  
14           for the child to be referred for a substance abuse  
15           assessment;

16           ~~(1)~~ (2) The child shall be allowed to return to school  
17 earlier than the department's original disciplinary  
18 determination; provided that the child gives the  
19 school evidence of the following:

20           (A) A substance abuse assessment has been completed;  
21           and

1 (B) The child is progressing toward clinical  
2 discharge from any substance abuse treatment or  
3 substance abuse counseling recommended by the  
4 substance abuse assessment;

5 ~~[(2)]~~ (3) If the substance abuse assessment finds that the  
6 child does not need substance abuse treatment or  
7 substance abuse counseling, the school may allow the  
8 child to return to school earlier than originally  
9 indicated; provided that:

10 (A) The child provides a certified copy of the  
11 assessment; and

12 (B) The child's parent or legal guardian consents to  
13 the child and the child's family receiving  
14 follow-up counseling or other student support  
15 services to be provided by the department.

16 In determining whether to allow the child to  
17 return to school early, the school [~~, at a minimum,~~]  
18 administrator shall [~~take into consideration~~] review  
19 and determine the nature and severity of the offense,  
20 the impact of the offense on others, [~~and~~] the age of  
21 the offender [~~as well as~~], and whether the offender is  
22 a repeat offender; and



1       ~~[(3)]~~ (4) For the child's first violation of subsection (b)  
2           or (c), if the child provides evidence of clinical  
3           discharge from the substance abuse treatment program  
4           or substance abuse counseling, all records of  
5           disciplinary action relating to the original offense  
6           shall be expunged. For the purposes of this  
7           paragraph, "expunged" means the records of substance  
8           abuse assessment shall be segregated and kept  
9           confidential but shall be destroyed upon graduation of  
10          the child."

11       2. By amending section 5 to read:

12       "SECTION 5. This Act shall take effect upon its approval;  
13       provided that on June 30, 2006, ~~[sections 2 and]~~ section 3 of  
14       this Act shall be repealed ~~[and section 302A-1134.6(f), Hawaii~~  
15       ~~Revised Statutes, is reenacted in the form in which it read on~~  
16       ~~the day before the approval of this Act]."~~

17       SECTION 5. Statutory material to be repealed is bracketed  
18       and stricken. New statutory material is underscored.

19       SECTION 6. This Act shall take effect on July 1, 2020;  
20       provided that section 4 of this Act shall take effect on June  
21       29, 2020.

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**Report Title:**

Drug Assessments; Public Schools; Certified Substance Abuse Counselors

**Description:**

Improves the process by which public school students are assessed and treated for substance abuse by amending the zero tolerance policy (Policy) for drugs and alcohol in public schools, including allowing certified substance abuse counselors to conduct assessments to qualify individuals for substance abuse-related insurance benefits, and making permanent the provisions that allow a child who violates the Policy to return to school earlier than indicated in the original disciplinary determination. (SB3273 HD2)

