

# PROPOSED

THE SENATE  
TWENTY-THIRD LEGISLATURE, 2006  
STATE OF HAWAII

S.B. NO. 3273  
S.D. 2

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## A BILL FOR AN ACT

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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  
13 child to return to school earlier than indicated in the original  
14 disciplinary determination following the completion of a  
15 substance abuse assessment and related treatment or counseling,  
16 as applicable. Although minimum insurance benefits for  
17 substance abuse treatment are statutorily required under chapter  
18 431M, Hawaii Revised Statutes, the use of these services appears

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1 to be low because insurers lack enough providers to conduct  
2 substance abuse assessments to qualify individuals for covered  
3 services. This is of particular concern in the case of children  
4 facing substance abuse-related school discipline under the zero  
5 tolerance policy.

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

- 9 (1) Implementing amendments to the zero tolerance policy
- 10 for drugs and alcohol in public schools suggested by
- 11 the student substance abuse assessment and treatment
- 12 advisory task force; and
- 13 (2) Allowing certified substance abuse counselors to
- 14 conduct assessments to qualify individuals for
- 15 substance abuse-related insurance benefits.

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

19 ""Certified substance abuse counselor" means a substance  
20 abuse counselor who is certified pursuant to section 321-193."

21 SECTION 3. Section 302A-1134.6, Hawaii Revised Statutes,  
22 is amended as follows:

1 1. By amending subsection (b) to read as follows:

2 "(b) Except as provided in subsection (f), any child who  
3 possesses, sells, consumes, or uses intoxicating liquor or  
4 illegal drugs, while attending school or while attending  
5 department-supervised activities held on or off school property,  
6 may be excluded from attending school for up to ninety-two  
7 school days, as determined by the principal and approved by the  
8 superintendent or other individuals designated pursuant to rules  
9 adopted by the board. If a substance abuse assessment of the  
10 child is made for purposes of determining whether the child is  
11 excluded from attending school, the assessment may be made by a  
12 certified substance abuse counselor as defined in section  
13 431M-1. The certified substance abuse counselor may belong to a  
14 facility providing substance abuse services as defined in  
15 section 431M-1. The assessment shall be made within ten days of  
16 the request for an assessment."

17 2. By amending subsection (f) to read as follows:

18 "(f) A child determined to be in violation of subsection  
19 (b) or (c) shall be subject to the department's disciplinary  
20 rules[+], if the department has administered a screening tool to  
21 determine whether there is a need for the child to be referred  
22 for a substance abuse assessment; provided that:

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

5           (A) A substance abuse assessment has been completed;  
6           and

7           (B) The child is progressing toward clinical  
8           discharge from any substance abuse treatment or  
9           substance abuse counseling recommended by the  
10          substance abuse assessment;

11          (2) If the substance abuse assessment finds that the child  
12          does not need substance abuse treatment or substance  
13          abuse counseling, the school may allow the child to  
14          return to school earlier than originally indicated;  
15          provided that:

16          (A) The child provides a certified copy of the  
17          assessment; and

18          (B) The child's parent or legal guardian consents to  
19          the child or the child's family receiving  
20          follow-up counseling or other student support  
21          services to be provided by the department.

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1 In determining whether to allow the child to return to  
 2 school early, the school [~~at a minimum,~~  
 3 administrator shall [~~take into consideration~~] review  
 4 and determine the nature and severity of the offense,  
 5 the impact of the offense on others, and the age of  
 6 the offender as well as whether the offender is a  
 7 repeat offender; and

8 (3) For the child's first violation of subsection (b) or  
 9 (c), if the child provides evidence of clinical  
 10 discharge from the substance abuse treatment program  
 11 or substance abuse counseling, all records of  
 12 disciplinary action relating to the original offense  
 13 shall be expunged. The records of substance abuse  
 14 assessment shall be segregated and kept confidential,  
 15 but shall be destroyed upon graduation from high  
 16 school of the child."

17 SECTION 4. Section 431M-2, Hawaii Revised Statutes, is  
 18 amended to read as follows:

19 "**§431M-2 Policy coverage.** All individual and group  
 20 accident and health or sickness insurance policies issued in  
 21 this State, individual or group hospital or medical service plan  
 22 contracts, and nonprofit mutual benefit society and health

1 maintenance organization health plan contracts shall include  
 2 within their hospital and medical coverage the benefits of  
 3 alcohol dependence, drug dependence, and mental illness  
 4 treatment services provided in section 431M-4 except that this  
 5 section shall not apply to insurance policies that are issued  
 6 solely for single diseases, or otherwise limited, specialized  
 7 coverage. Policy coverage shall be extended to certified  
 8 substance abuse counselors for services rendered under section  
 9 302A-1134."

10 SECTION 5. Section 431M-3, Hawaii Revised Statutes, is  
 11 amended by amending subsection (a) to read as follows:

12 "(a) Covered benefits for alcohol dependence, drug  
 13 dependence, or mental illness insurance policies, hospital or  
 14 medical service plan contracts, and health maintenance  
 15 organization health plan contracts shall be limited to those  
 16 services certified by the insurance or health care plan  
 17 carrier's physician, psychologist, licensed clinical social  
 18 worker, or advanced practice registered nurse as medically or  
 19 psychologically necessary at the least restrictive appropriate  
 20 level of care. This subsection shall apply to substance abuse  
 21 assessments under section 302A-1134.6."



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1 SECTION 6. Act 213, Session Laws of Hawaii 2005, is  
2 amended by amending section 5 to read as follows:

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

8 SECTION 7. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 8. This Act shall take effect upon its approval;  
11 provided that section 3 of this Act shall take effect on June  
12 29, 2006.

# PROPOSED

**Report Title:**

Drug Assessments; Certified Substance Abuse Counselors

**Description:**

Makes permanent provisions allowing a child who violates the zero tolerance policy for drugs and alcohol in public schools to return to school earlier than indicated in the original disciplinary determination following the completion of a substance abuse assessment and related treatment or counseling. Requires public schools to screen students facing substance abuse-related discipline to determine if there is a need for a substance abuse assessment referral. Requires the parent or legal guardian of a child facing discipline but who has been assessed as not needing treatment to consent to follow-up counseling for the child's family. Requires school administrators to review and determine the nature and severity of the child's offense, its impact on others, the offender's age, and whether the child is a repeat offender. Allows certified substance abuse counselors to conduct substance abuse assessments qualifying individuals for substance abuse-related insurance benefits. Requires assessments to be completed within ten days for children facing substance abuse-related school discipline. (SD2)

