

STAND. COM. REP. NO.

2390

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2601
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 2601 entitled:

"A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS,"

begs leave to report as follows:

The purpose of this measure is to regulate the practice of athletic training by requiring athletic trainers to register with the Department of Commerce and Consumer Affairs.

Your Committee received testimony in support of this measure from the Department of Education and the Hawaii Athletic Trainers Association. Testimony with comments on this measure was received from the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs, the University of Hawaii, the Hawaii Chapter of the American Physical Therapy Association, the Occupational Therapy Association of Hawaii, and one private citizen. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that Hawaii is one of only four states that does not currently regulate the practice of athletic training. Your Committee further finds that the continued absence of regulation creates a climate where athletic trainers who have lost or been denied licensure in other states can move to Hawaii to practice here, thereby putting the public at risk and degrading the profession as a whole. Your Committee finds that it is especially important that the practice of athletic training maintain the highest possible standards for consumer safety since



athletic trainers often work with children in elementary and secondary school settings.

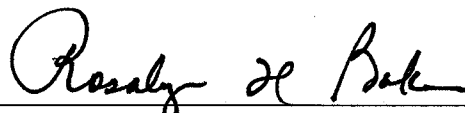
Your Committee notes that section 26H-6, Hawaii Revised Statutes, states that the Auditor shall perform a sunrise review before new regulations are imposed on a previously unregulated profession. However, your Committee finds that there is a pressing and immediate need to regulate the profession of athletic training in order to protect the public health, safety, and welfare. Therefore, your Committee finds that it is within the law-making authority vested in the Legislature by Article III, Section 1 of the Hawaii State Constitution to enact legislation regulating the profession of athletic trainers, notwithstanding section 26H-6, Hawaii Revised Statutes.

Your Committee has amended this measure by:

- (1) Adding a purpose section to express the finding of the Legislature that the requirements of section 26H-6, Hawaii Revised Statutes, are waived in the interest of protecting the public health, safety, and welfare;
- (2) Adding definitions of "athlete" and "athletic injury"; and
- (3) Changing the effective date to August 1, 2010.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2601, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2601, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair



