



# GOV. MSG. NO. 1132

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

April 28, 2016

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 28, 2016, the following bill was signed into law:

SB2887 SD1

RELATING TO DEVELOPMENTAL DISABILITIES  
ACT 032 (16)

Sincerely,

DAVID Y. IGE

Governor, State of Hawai'i

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# A BILL FOR AN ACT

RELATING TO DEVELOPMENTAL DISABILITIES.

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

1 SECTION 1. Pursuant to House Concurrent Resolution No. 17  
2 adopted in 2014, the department of health established a task  
3 force to review Hawaii's statutory definition of "developmental  
4 disabilities".

5 The task force found that the federal definition of  
6 "developmental disabilities" was revised in 2000 to include  
7 infants and young children with substantial developmental delays  
8 or specific congenital or acquired conditions, where due to  
9 their age, functional criteria that are used for adolescents and  
10 adults could not be reliably applied to infants and young  
11 children. Since Hawaii's current statutory definition of  
12 "developmental disabilities" requires that an individual have  
13 three or more functional limitations in major life activities,  
14 this can exclude infants and young children from receiving  
15 necessary services since these life activities cannot reliably  
16 be assessed.

17 The task force recommends amending the current definition  
18 of "developmental disabilities" in section 333F-1, Hawaii



1 Revised Statutes, to clarify that an individual from birth to  
2 age nine who has substantial developmental delays or specific  
3 congenital or acquired conditions may be considered to have a  
4 developmental disability without meeting three or more of the  
5 criteria described in the current definition if the infant or  
6 child, without services and supports, has a high probability of  
7 meeting these criteria later in life.

8 SECTION 2. Section 333F-1, Hawaii Revised Statutes, is  
9 amended by amending the definition of "developmental  
10 disabilities" to read as follows:

11 "Developmental disabilities" means a severe, chronic  
12 disability of a person which:

- 13 (1) Is attributable to a mental or physical impairment or  
14 combination of mental and physical impairments;
- 15 (2) Is manifested before the person attains age twenty-  
16 two;
- 17 (3) Is likely to continue indefinitely;
- 18 (4) Results in substantial functional limitations in three  
19 or more of the following areas of major life  
20 activity[+]: self-care, receptive and expressive



1 language, learning, mobility, self-direction, capacity  
 2 for independent living, and economic sufficiency; and  
 3 (5) Reflects the person's need for a combination and  
 4 sequence of special, interdisciplinary, or generic  
 5 care, treatment, or other services [~~which~~] that are of  
 6 lifelong or extended duration and are individually  
 7 planned and coordinated.

8 An individual from birth to age nine who has a substantial  
 9 developmental delay or specific congenital or acquired condition  
 10 may be considered to have a developmental disability without  
 11 meeting three or more of the criteria described above, if the  
 12 individual, without services and supports, has a high  
 13 probability of meeting those criteria later in life."

14 SECTION 3. Statutory material to be repealed is bracketed  
 15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.  
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APPROVED this 28 day of APR, 2016



GOVERNOR OF THE STATE OF HAWAII