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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 young children from receiving necessary  
15 services since these life activities cannot be assessed  
16 reliably.



1           The task force recommends amending the current definition  
2 of developmental disabilities in section 333F-1, Hawaii Revised  
3 Statutes, to clarify that an individual from birth to age nine  
4 who has substantial developmental delays or specific congenital  
5 or acquired conditions may be considered to have a developmental  
6 disability without meeting three or more of the criteria  
7 described in the current definition if the infant or child,  
8 without services and supports, has a high probability of meeting  
9 these criteria later in life.

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

13           "Developmental disabilities" means a severe, chronic  
14 disability of a person which:

- 15           (1) Is attributable to a mental or physical impairment or  
16           combination of mental and physical impairments;  
17           (2) Is manifested before the person attains age twenty-  
18           two;  
19           (3) Is likely to continue indefinitely;  
20           (4) Results in substantial functional limitations in three  
21           or more of the following areas of major life



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

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

16 SECTION 3. Statutory material to be repealed is bracketed  
 17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.



**Report Title:**  
Developmental Disabilities

**Description:**  
Amends the definition of "developmental disabilities" in section 333F-1, Hawaii Revised Statutes, to include children from birth to age nine who have substantial developmental delay or specific congenital or acquired condition and without services and supports, has a high probability of meeting criteria for developmental disabilities later in life. (HB2358 HD1)

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