



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony in SUPPORT of S.B. 668 SD1
RELATING TO THE REGISTRY OF CLEAN AND SOBER HOMES

REPRESENTATIVE DELLA AU BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: March 14, 2016

Room Number: 329

1 **Fiscal Implications:** None.

2 **Department Testimony:** This measure will provide protection from liability to the Department
3 of Health (DOH), its employees, agents and volunteers for operating the clean and sober homes
4 registry.

5 Exposure to liability is possible if information made available in good faith by registry
6 staff results in adverse consequences, or if the public looks to hold the registry, and by extension
7 the State of Hawaii, liable for incidents that may occur in a particular clean and sober home. The
8 proposed provision for the voluntary registry reduces the State's (and therefore, the taxpayers')
9 exposure to liability for operating the registry for clean and sober homes in good faith. DOH is
10 aware of the Hawaii Association for Justice's (HAJ) request to add the words "reasonably and"
11 after "registry" and before "in good faith" and has discussed this with HAJ and the Attorney
12 General's Office. All are amenable to making this change to move this bill forward.

13 Stable housing is a critical component in the continuum of substance abuse treatment and
14 recovery. Data for Fiscal Year 2013-14 show that approximately 18.6 percent of clients served
15 by the Alcohol and Drug Abuse Division contracted substance abuse treatment providers did not

1 have stable housing at admission. At follow-up, unstable housing status was reduced to 6.0
2 percent.

3 Act 193 SLH 2014, relating to group homes, was enacted to help residents of clean and
4 sober group homes to access a stable, alcohol- and drug-free home-like living environment.
5 These homes, which are operated by for-profit or non-profit entities, are located in communities
6 throughout the state. They provide a means for persons to return to the community without the
7 rigid structure of a therapeutic living program which requires licensure.

8 Section 3 of the Act (codified as Section 321-193.7, Hawaii Revised Statutes) established
9 the registry of clean and sober homes to: increase the number of homes that maintain
10 appropriate living conditions; set minimum standards; give special advantages to homes on the
11 registry, such as technical support and preferred referral status; include specific requirements that
12 homes on the registry must meet; and provide a framework to monitor the homes. A key
13 function of the voluntary registry is to enable agencies referring clients to monitor residences that
14 provide the necessary support for recovery efforts.

15 The voluntary registry of clean and sober homes is a product of a two-year process during
16 which the knowledge and expertise of public (i.e., State and County) as well as private agencies'
17 perspectives were elicited. In the long-term, the registry will provide a more formalized means
18 for agencies to refer clients to alcohol- and drug-free housing which benefits clients of DOH
19 behavioral health programs, as well as clients enrolled in Department of Human Services
20 programs that assist the homeless.

21 Thank you for the opportunity to testify on this measure.

22

DAVID Y. IGE
GOVERNOR



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HAWAII PAROLING AUTHORITY
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No. _____

**TESTIMONY ON SENATE BILL 668, SD1
RELATING TO THE REGISTRY OF CLEAN AND SOBER HOMES**

By

Tommy Johnson, Administrator
Hawaii Paroling Authority

House Committee Health
Representative Della Au Belatti, Chair
Representative Richard P. Greagan, Vice Chair

Monday, March 14, 2016; 2:15 p.m.
State Capitol, Conference Room 329

Chair Belatti, Vice Chair Greagan, and Members of the Committee:

The Hawaii Paroling Authority (HPA) strongly supports Senate Bill 668, SD1 which seeks to provide immunity from liability to the Department of Health, its employees, agents, and volunteers for operating the clean and sober homes registry. The clean and sober homes registry the critical to the State's efforts in assisting persons recovering from substance abuse to have a safe, clean, and sober environment that supports their recovery.

The HPA firmly believes that immunity is needed for the Department of Health, its employees, agents, and volunteers operating the clean and sober homes registry in to ensure their efforts are not hindered by threats of litigation, which would have a chilling effect on the State's efforts in this area. The HPA supervises approximately 1,500 convicted felons on parole statewide and many of these individuals are in need of a place to reside that is safe, clean, and a sober environment which supports their recovery. The registry is critically important and the requested immunity should be provided. Also, the HPA respectfully recommends that the effective date of 7/1/2050 be changed to be effective 7/1/2016 as the registry is needed now.

Thank you for the opportunity to provide testimony on SB 668, SD1.



HAWAII SUBSTANCE ABUSE COALITION

SB668 RELATING TO REGISTRY OF CLEAN AND SOBER HOMES

COMMITTEE ON HEALTH: Representative Belatti, Chair; Representative Creagan, Vice Chair

- Monday, March 14, 2016 at 2:15 p.m.
- Conference Room 329

HSAC Supports SB668 SD1:

Good Morning Chair Belatti; Vice Chair Creagan, And Distinguished Committee Members. My name is Alan Johnson, Chair of the Hawaii Substance Abuse Coalition, an organization of more than thirty treatment and prevention agencies across the State.

The Hawaii Substance Abuse Coalition supports immunity from liability for the Department of Health to operate a clean and sober home registry.

Immunity

This bill would protect the Department of Health for any liability for a voluntary registry that merely establishes procedures and standards for good operations for clean and sober homes located in neighborhoods with the stipulation that continued good neighborhood relations is a requirement to remain in the voluntary registry.

Background

In 2014, the legislature enacted Act 193 to establish a registry for clean and sober homes.



- Given that such homes are protected by ADA rules and FHA regulations, the intent of the registry is for voluntary participation to ensure such homes are good neighbors.
- The incentive to join the registry is that the various referral sources, such as treatment agencies, probation and parole, would prefer to send referrals to those homes in the registry that demonstrate positive neighbor relations and good management practices.

Since the Dept. of Health has limited control over a voluntary registry, this bill would give limited liability to the state to protect itself from neighbors who might litigate over a Clean and Sober operator who is not a good neighbor. The neighbor could sue the Clean and Sober Home.

We appreciate the opportunity to testify and are available for questions.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 14, 2016 8:39 AM
To: HLTtestimony
Cc: melanie.boehm@usw.salvationarmy.org
Subject: *Submitted testimony for SB668 on Mar 14, 2016 14:15PM*

SB668

Submitted on: 3/14/2016

Testimony for HLT on Mar 14, 2016 14:15PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Melanie Boehm	The Salvation Army Addiction Treatment Services and Family Treatment Services	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) IN OPPOSITION TO S.B. NO. 668, SD 1**

Date: Monday, March 14, 2016

Time: 2:15 pm

Room: 329

To: Chairperson Della Au Belatti and the Members of the House Committee on Health:

My name is Bob Toyofuku and I am presenting testimony on behalf of the Hawaii Association for Justice (HAJ) in OPPOSITION to S.B. No. 668, SD 1, Relating to Clean and Sober Homes.

HAJ has agreed to limitation of liability in several important measures this session where there is at least a requirement of good faith compliance and prohibition of unreasonable conduct. HAJ will not oppose a similar requirement in this measure, such as found in SB 2181, SD 1 (Right to Try non-approved treatment for terminally ill), SB 2879, SD1 (Foster Children), or SB 2392, SD 1(Opioid Antagonists). This can be accomplished by adding the words “reasonably and” after “registry” and before “in good faith” on page 4, line 3.

The Hawaii Association for Justice generally opposes any limitation of civil liability which reduces protection for consumers and limits or lessens the incentive for everyone to act responsibly to reduce or eliminate harm to others. HAJ recognizes that this measure is well intended and addresses an important option for the rehabilitation of those with substance abuse issues. The proposed amendment will at least require good faith compliance with the measure and prohibit unreasonable conduct.

Thank you very much for allowing me to testify regarding this measure. Please feel free to contact me should you have any questions or desire additional information.

HLTtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 14, 2016 12:15 PM
To: HLTtestimony
Cc: dylanarm@hawaii.edu
Subject: *Submitted testimony for SB668 on Mar 14, 2016 14:15PM*

SB668

Submitted on: 3/14/2016

Testimony for HLT on Mar 14, 2016 14:15PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan Armstrong	Individual	Support	No

Comments:

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