

SB668

Measure Title: RELATING TO THE REGISTRY OF CLEAN AND SOBER HOMES.
Report Title: Registry of Clean and Sober Homes; Immunity; Liability
Description: Provides immunity from liability to DOH, its employees, agents, and volunteers for operating the clean and sober homes registry.
Companion:
Package: None
Current Referral: CPH/JDL, WAM
Introducer(s): ESPERO, GALUTERIA



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of S.B. 668
RELATING TO THE REGISTRY OF CLEAN AND SOBER HOMES

SENATORS ROSALYN H. BAKER AND GILBERT S.C. KEITH-AGARAN, CHAIRS
SENATE COMMITTEES ON COMMERCE, CONSUMER PROTECTION, AND HEALTH,
AND JUDICIARY AND LABOR

Hearing Date: February 12, 2016

Room Number: 016

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 Stable housing is a critical component in the continuum of substance abuse treatment and
6 recovery. Data for Fiscal Year 2013-14 show that approximately 18.6 percent of clients served
7 by the Alcohol and Drug Abuse Division contracted substance abuse treatment providers did not
8 have stable housing at admission. At follow-up, unstable housing status was reduced to 6.0
9 percent.

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

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

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

14 Exposure to liability is possible if information made available in good faith by registry
15 staff results in adverse consequences, or if the public looks to hold the registry, and by extension
16 the State of Hawaii, liable for incidents that may occur in a particular clean and sober home. The
17 proposed provision for the voluntary registry reduces the State's (and therefore, the taxpayers')
18 exposure to liability for operating the registry for clean and sober homes in good faith.

19 We respectfully recommend that this measure be approved as introduced.

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

21

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

Date: Friday, February 12, 2016

Time: 9:00 am

Room: 016

To: Chairs Rosalyn Baker and Gilbert Keith-Agaran and the Members of the Senate Committees on Commerce, Consumer Protection and Health, and Judiciary and Labor:

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, 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 (Right to Try non-approved treatment for terminally ill), SB 2879, SD1 (Foster Children), or SB 2392 (Opioid Antagonists) which is also on this agenda. This can be accomplished by adding the words “reasonably and” after “registry” and before “in good faith” on page 4, line 7.

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.



HAWAII SUBSTANCE ABUSE COALITION

SB668 RELATING TO REGISTRY OF CLEAN AND SOBER HOMES

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH: Senator Baker, Chair; Senator Kidani, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR: Senator Keith-Agaran, Chair; Senator Shimabukuro, Vice Chair

- Friday, February 12, 2016 at 9:00 a.m.
- Conference Room 229

HSAC Supports HB1291:

Good Morning Chair Baker, Chair Keith-Agaran; Vice Chair Kidani, Vice Chair Shimabukuro; 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.

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



DOING THE MOST GOOD

Founded in 1865

William Booth
Founder

Andre Cox
General

James Knaggs
Territorial Commander

John Chamness
Lani Chamness
Divisional Leaders

Melanie Boehm
Executive Director

The Salvation Army

Addiction Treatment Services and Family Treatment Services

2-11-16

SB668 RELATING TO REGISTRY OF CLEAN AND SOBER HOMES
COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH: Senator Baker, Chair; Senator Kidani, Vice Chair
COMMITTEE ON JUDICIARY AND LABOR: Senator Keith-Agaran, Chair; Senator Shimabukuro, Vice Chair

- Friday, February 12, 2016 at 9:00 a.m.
- Conference Room 229

The Salvation Army Addiction Treatment Services and Family Treatment Services Supports SB668:

Good Morning Chair Baker, Chair Keith-Agaran; Vice Chair Kidani, Vice Chair Shimabukuro; and Distinguished Committee Members. My name is Melanie Boehm. I am the executive director for The Salvation Army Addiction Treatment and Family Treatment Services.

The Salvation Army Addiction Treatment Services and Family Treatment Services supports immunity from liability for the Department of Health to operate a clean and sober home registry.

- Clean and sober homes operated with the applied standards are protected by ADA rules and FHA regulations and 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 referral sources, such as treatment agencies, probation, and parole, would prefer to send referrals to those homes on the registry that demonstrate positive neighbor relations and good management practices.
- The benefit to clients in recovery is they have safe clean and sober homes to go to that will help ensure their ongoing recovery efforts as they become responsible contributing members of our communities.

Thank you for the opportunity to testify.

Participating Agency



Addiction Treatment Services

3624 Waokanaka Street ♦ Honolulu, Hawai'i 96817 ♦Tel: (808) 595-6371 ♦Fax: (808) 595-8250

Family Treatment Services

845 22nd Avenue ♦ Honolulu, Hawai'i 96816 ♦Tel: (808) 732-2802 ♦Fax: (808) 734-7470

Visit us at: www.SalvationArmyHawaii.org

From: mailinglist@capitol.hawaii.gov
To: [CPH Testimony](#)
Cc: rkailianu57@gmail.com
Subject: Submitted testimony for SB668 on Feb 12, 2016 09:00AM
Date: Tuesday, February 09, 2016 10:33:23 AM

SB668

Submitted on: 2/9/2016

Testimony for CPH/JDL on Feb 12, 2016 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Ho`omana Pono, LLC	Oppose	Yes

Comments: We are a people that have a duty to be held accountable and having immunity to short cut the system that is important to all.

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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From: mailinglist@capitol.hawaii.gov
To: [CPH Testimony](#)
Cc: leilani.maxera@gmail.com
Subject: *Submitted testimony for SB668 on Feb 12, 2016 09:00AM*
Date: Friday, February 05, 2016 1:34:50 PM

SB668

Submitted on: 2/5/2016

Testimony for CPH/JDL on Feb 12, 2016 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Leilani Maxera	The CHOW Project	Support	No

Comments:

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Community Health Outreach Work

677 Ala Moana Blvd., Suite 226
Honolulu, HI 96813
Phone (808) 853-3292 • Fax (808) 853-3274

TESTIMONY in STRONG SUPPORT of 668 Relating to Registry of Clean and Sober Homes

TO: Senator Rosalyn H. Baker, Chair and Senator Michelle N. Kidani, Vice Chair, Committee on Consumer Protection and Health
Senator Gilbert S.C. Keith-Agaran, Chair and Senator Maile S.L. Shimabukuro, Vice Chair, Committee on judiciary and labor

FROM: Heather Lusk, Executive Director, CHOW Project

Hearing: Friday, February 12 2016 at 9:00 AM Conference room 229

Dear Chair Baker, Chair Keith-Agaran and Members of the Committee:

The CHOW Project is in strong support of SB 668 which 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.

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.

The Community Health Outreach Work (CHOW) Project is dedicated to serving individuals, families, and communities adversely affected by drug use, through a participant-centered harm reduction approach. CHOW works to reduce drug related harms such as but not limited to HIV, hepatitis B/C and overdose.

Thank you for the opportunity to provide testimony,
Heather Lusk
Executive Director CHOW Project



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TO: Senator Rosalyn H. Baker, Chair and Senator Michelle N. Kidani, Vice Chair, Committee on Consumer Protection and Health
Senator Gilbert S.C. Keith-Agaran, Chair and Senator Maile S.L. Shimabukuro, Vice Chair, Committee on judiciary and labor

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Hearing: Friday, February 12 2016 at 9:00 AM Conference room 229

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Thank you for the opportunity to provide testimony,
Heather Lusk
Executive Director CHOW Project

From: mailinglist@capitol.hawaii.gov
To: [CPH Testimony](#)
Cc: lcCook@kualoha.org
Subject: *Submitted testimony for SB668 on Feb 12, 2016 09:00AM*
Date: Wednesday, February 10, 2016 11:52:00 AM

SB668

Submitted on: 2/10/2016

Testimony for CPH/JDL on Feb 12, 2016 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Cook	Ku Aloha Ola Mau	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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