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# A BILL FOR AN ACT

RELATING TO BEHAVIOR ANALYSTS.

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

1           SECTION 1. The legislature finds that Act 199, Session  
2 Laws of Hawaii 2015, codified as chapter 465D, Hawaii Revised  
3 Statutes (Act 199), establishes the licensing standards for  
4 behavior analysts, which is set to repeal on June 30, 2021. Act  
5 199 was established to ensure that persons requiring diagnosis  
6 and treatment for autism receive the care they need. Since the  
7 establishment of Act 199, over three hundred licenses for  
8 behavior analysts and over one thousand licenses for registered  
9 behavioral technicians have been issued in the State. As a  
10 result, thousands of individuals have received access to applied  
11 behavior analysis care and services since the implementation of  
12 Act 199.

13           The legislature therefore finds that the practice of  
14 behavior analysis and licensure of behavior analysts should  
15 continue to be regulated to protect the public's health, safety,  
16 and welfare. Additionally, while the licensure of behavior  
17 analysts has been a significant step in meeting the needs for



1 treatment of those with autism, the total number of licensees is  
2 still insufficient to meet present demands.

3 Accordingly, the purpose of this Act is to:

4 (1) Make permanent the regulation of behavior analysts  
5 under chapter 465D, Hawaii Revised Statutes, which  
6 will ensure the continued treatment of individuals  
7 with autism; and

8 (2) Exempt the requirements of an auditor's evaluation and  
9 report pursuant to 26H-5, Hawaii Revised Statutes, for  
10 behavior analysts.

11 SECTION 2. Section 26H-4, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 **"§26H-4 Repeal dates for newly enacted professional and**  
14 **vocational regulatory programs.** (a) Any professional or  
15 vocational regulatory program enacted after January 1, 1994, and  
16 listed in this section shall be repealed as specified in this  
17 section. The auditor shall perform an evaluation of the  
18 program, pursuant to section 26H-5, prior to its repeal date.

19 ~~[(b) Chapter 465D (behavior analysts) shall be repealed on~~  
20 ~~June 30, 2021.~~



1       ~~(e)~~ (b) Chapter 466L (appraisal management companies)  
2 shall be repealed on June 30, 2023.

3       ~~(d)~~ (c) Chapter 457J (midwives) shall be repealed on  
4 June 30, 2025."

5       SECTION 3. The requirements of section 26H-5, Hawaii  
6 Revised Statutes, shall not apply to this Act.

7       SECTION 4. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9       SECTION 5. This Act shall take effect upon its approval.



S.B. NO. 2281  
S.D. 1  
H.D. 2

**Report Title:**

Behavior Analysts; Regulation; Sunset Repeal

**Description:**

Makes permanent the regulation of behavior analysts. Exempts the behavior analysts licensing program from the auditor's sunset evaluation requirement. (HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

SB2281 HD2 HMS 2020-2121

