

JAN 21 2022

A BILL FOR AN ACT

RELATING TO TOBACCO USE DISORDER TREATMENT.

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

1 SECTION 1. The legislature finds that, according to the
2 Centers for Disease Control and Prevention (CDC), a person with
3 a mental health issue, substance abuse disorder, or both, are
4 more likely to use tobacco than a person without these
5 behavioral health conditions and are more likely to die from a
6 smoking-related illness than from their behavioral health
7 conditions. According to the National Institute on Alcohol
8 Abuse and Alcoholism, over eighty per cent of alcoholics are
9 current smokers and most of these smokers are nicotine
10 dependent. Additionally, nicotine and opioid addiction have
11 been found to be mutually reinforcing, whereas smoking cessation
12 is associated with long-term abstinence after opioid treatment.

13 The legislature further finds that smoking cessation
14 reduces smoking-related disease risk and could improve mental
15 health and substance use disorder recovery outcomes. The CDC
16 research also shows that patients who are simultaneously treated
17 for tobacco use disorders while receiving addiction treatment



1 have a twenty-five per cent increase in the likelihood of
2 substance use abstinence one year after treatment compared to
3 those not treated for tobacco use disorders. Despite these
4 statistics, a 2016 CDC report revealed that sixty-four per cent
5 of substance abuse treatment facilities screened patients for
6 tobacco use, forty-seven per cent offered tobacco cessation
7 counseling, and only thirty-five per cent had smoke-free
8 campuses.

9 The purpose of this Act is to require special treatment
10 facilities, nonhospital facilities, or programs providing care
11 or treatment of alcohol dependent or drug dependent persons that
12 are certified or licensed by the department of health to assess
13 a patient or client for use of all tobacco products at the time
14 of the initial intake and take certain actions if the patient or
15 client has a tobacco use disorder.

16 SECTION 2. Chapter 334, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§334- Initial intake; tobacco assessment; requirements.
20 (a) A special treatment facility, nonhospital facility, or
21 program providing care or treatment of alcohol dependent or drug



1 dependent persons that has been certified or licensed by the
2 department shall assess each patient or client for use of all
3 tobacco products at the time of the initial intake. This
4 assessment shall include questions recommended in the most
5 recent version of the Diagnostic and Statistical Manual of
6 Mental Disorders under tobacco use disorder, or similar
7 evidence-based guidance, for determining whether an individual
8 has a tobacco use disorder.

9 (b) For a patient or client with a tobacco use disorder,
10 the facility or program shall do all of the following:

11 (1) Provide information to the patient or client on how
12 continued use of tobacco products could affect their
13 long-term success in recovery from substance use
14 disorder;

15 (2) Recommend treatment for tobacco use disorder in the
16 treatment plan; and

17 (3) Offer either treatment, subject to the limitation of
18 the license or certification issued by the department,
19 or a referral for treatment for tobacco use disorder.

20 (c) For purposes of this section "tobacco products" has
21 the same meaning as defined in section 245-1."



S.B. NO. 2440

1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect on July 1, 2023.

3

INTRODUCED BY: *Rosaly H. Dake*



S.B. NO. 2440

Report Title:

Department of Health; Special Treatment Facilities; Mandatory Tobacco Assessment; Tobacco Use Disorder; Treatment

Description:

Requires facilities providing treatment for substance abuse disorders to assess a patient or client for use of all tobacco products at the time of their initial intake and take certain actions if the patient or client is determined to have a tobacco use disorder. Effective July 1, 2023.

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