
A BILL FOR AN ACT

RELATING TO FETAL ALCOHOL SPECTRUM DISORDERS.

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

PART I

SECTION 1. The legislature finds that fetal alcohol spectrum disorders (FASD) are lifelong physical, developmental, behavioral, and intellectual disabilities caused by brain damage due to prenatal alcohol exposure. According to the Centers for Disease Control and Prevention, these disorders impact as many as one in twenty first graders in the United States, and are more prevalent than autism disorders, spina bifida, cerebral palsy, and Down syndrome combined.

The legislature recognizes that individuals who have FASD face unique challenges. For example, while children who have autism spectrum disorders share many of the same behavioral characteristics and related mental health diagnoses of children who have fetal alcohol spectrum disorders, the latter also tend to struggle with: distractions, feelings of being different from other people, difficulties following through with instructions, emotional dysregulation, hyperactivity, sleep



1 disturbance, indiscriminate affection with strangers, lying,
2 difficulties in learning, and difficulties in understanding the
3 causes and consequences of behavior. Further, due to diffuse
4 brain damage, children who have FASD may also: exhibit startled
5 responses; suffer from depression, often in teenage years; fail
6 to take initiative; fail to manage or comprehend time; lose
7 their temper; tend to argue with those in authority; and appear
8 defiant. Although many of these behaviors may appear to
9 resemble typical teenage behaviors, many individuals who have
10 FASD do not grow out of these behaviors when they become adults.

11 The legislature also finds that an estimated seventy
12 thousand eight hundred people living in Hawaii could be impacted
13 by FASD. Of the nearly seventeen thousand babies born annually
14 in the State, as many as eight hundred forty are estimated to
15 have a FASD. Raising a child who has a FASD costs thirty times
16 more than the cost of successful prevention efforts. The impact
17 of these disorders costs the State an estimated \$876,000,000
18 annually. Few children in Hawaii are diagnosed using best
19 practices. Eighty-five per cent of children in foster care or
20 adopted families are not diagnosed or misdiagnosed.



1 Of the one hundred seventy-four thousand students in Hawaii
2 schools, as many as eight thousand seven hundred may have FASD,
3 yet far fewer are diagnosed. FASD is not tracked in special
4 education, and most schools lack trained staff and the ability
5 to support students who have FASD. By age twelve, sixty-one per
6 cent of individuals who have FASD may be expelled, suspended, or
7 drop out of school. By age thirteen, more than sixty per cent
8 of students who have FASD may experience trouble with law
9 enforcement. Many students who have FASD will not qualify for
10 services dedicated for those who have developmental
11 disabilities, even when they are correctly diagnosed. Many
12 individuals who have FASD have normal intelligence quotient
13 scores, but function below their chronological age, and are
14 sometimes precluded from receiving needed services. A high
15 proportion of older youths and adults who have the disorders
16 struggle with independent living and unemployment. Individuals
17 who have FASD, with or without a diagnosis, face high rates of
18 incarceration and recidivism. More than ninety per cent of
19 individuals who have FASD will develop co-morbid mental health
20 conditions.

21 Accordingly, the purpose of the Act is to:



- 1 (1) Establish a fetal alcohol spectrum disorders task
2 force within the department of health, which shall
3 develop and report to the legislature regarding
4 guidelines, recommendations, and teaching protocols
5 relating to fetal alcohol spectrum disorders; and
6 (2) Appropriate funds to the department of health to
7 establish and support the fetal alcohol spectrum
8 disorders task force.

PART II

10 SECTION 2. (a) There is established a fetal alcohol
11 spectrum disorders task force, to be placed in the department of
12 health for administrative purposes.

13 (b) The following individuals, or their designees, shall
14 serve as members of the fetal alcohol spectrum disorders task
15 force:

- 16 (1) The director of health, who shall serve as chair of
17 the task force;
18 (2) The chief justice of the supreme court;
19 (3) The president of the senate;
20 (4) The speaker of the house of representatives;
21 (5) The director of human services;



1 (6) The superintendent of education;

2 (7) The insurance commissioner; and

3 (8) The president of the Hawaii disability rights center.

4 (c) The chair of the task force shall invite the following
5 individuals to serve as members of the task force:

6 (1) An expert in fetal alcohol spectrum disorders;

7 (2) An individual having a fetal alcohol spectrum
8 disorder, or the individual's guardian; and

9 (3) Any other individuals having relevant experience
10 relating to the work of the task force.

11 (d) The fetal alcohol spectrum disorders task force shall
12 develop:

13 (1) Guidelines and recommendations for governmental
14 support of individuals having fetal alcohol spectrum
15 disorders, including guidelines and recommendations
16 for outreach, treatment, and resource identification;

17 (2) Teaching protocols, with assistance from the
18 department of education;

19 (3) Pathways by which state departments may implement
20 policies and procedures relating to the foregoing



1 guidelines, recommendations, and teaching protocols;

2 and

3 (4) A proposed timeframe for the full implementation of
4 the foregoing guidelines, recommendations, and
5 teaching protocols.

6 (e) The fetal alcohol spectrum disorders task force shall
7 submit a report of its findings and recommendations, including
8 any proposed legislation, to the legislature no later than
9 twenty days prior to the convening of the Regular Session of
10 2023.

11 (f) The fetal alcohol spectrum disorders task force shall
12 dissolve on July 1, 2023.

13 SECTION 3. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2022-2023 to
16 support the establishment and work of the fetal alcohol spectrum
17 disorders task force pursuant to section 2 of this Act.

18 The sum appropriated shall be expended by the department of
19 health for the purposes of this Act.

20 SECTION 4. This Act shall take effect on January 1, 2050.



Report Title:

Fetal Alcohol Spectrum Disorders; Task Force; DOH; DHS;
Appropriation

Description:

Establishes a temporary fetal alcohol spectrum disorders task force within the Department of Health for administrative purposes. Requires a report to the Legislature. Appropriates funds to establish and support the work of the task force. Effective 1/1/2050. (SD1)

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

