

JAN 20 2023

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# A BILL FOR AN ACT

RELATING TO FETAL ALCOHOL SPECTRUM DISORDERS.

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

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

9           The legislature recognizes that individuals who have fetal  
10 alcohol spectrum disorders face unique challenges. For example,  
11 while children who have autism spectrum disorders share many of  
12 the same behavioral characteristics and related mental health  
13 diagnoses of children who have fetal alcohol spectrum disorders,  
14 the latter also tend to struggle with distractions, feelings of  
15 being different from other people, difficulties following  
16 through with instructions, emotional dysregulation,  
17 hyperactivity, sleep disturbance, indiscriminate affection with



1 strangers, lying, difficulties in learning, and difficulties in  
2 understanding the causes and consequences of behavior.  
3 Furthermore, due to diffuse brain damage, children who have  
4 fetal alcohol spectrum disorders 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 fetal alcohol spectrum disorders do not grow out of these  
11 behaviors when they become adults.

12 The legislature also finds that an estimated seventy  
13 thousand eight hundred people living in Hawaii could be impacted  
14 by fetal alcohol spectrum disorders. Of the nearly seventeen  
15 thousand babies born annually in the State, as many as eight  
16 hundred forty are estimated to have a fetal alcohol spectrum  
17 disorder. Raising a child who has a fetal alcohol spectrum  
18 disorder costs thirty times more than the cost of successful  
19 prevention efforts. The impact of these disorders costs the  
20 State an estimated \$876,000,000 annually. Few children in  
21 Hawaii are diagnosed using best practices. Eighty-five per cent



1 of children in foster care or adopted families are either not  
2 diagnosed or are misdiagnosed.

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



1 cent of individuals who have the disorders will develop  
2 co-morbid mental health conditions.

3       The legislature also recognizes that in 2021, members of  
4 Congress introduced H.R. 4151 and S. 2238, which are identical  
5 bills, each given the alternative titles of the "Advancing FASD  
6 [fetal alcohol spectrum disorder] Research, Services, and  
7 Prevention Act" and the "FASD Respect Act". The bills address  
8 the issues surrounding support services, prevention public  
9 health, and research programs relating to the disorders. The  
10 bills enhance programs and funding for research relating to  
11 prevention of the disorders, screening, identification, and  
12 research and services by federal, state, local, and private  
13 stakeholders. The legislature believes that the State should be  
14 ready to properly hold and administer federal moneys if this  
15 federal legislation becomes law.

16       Accordingly, the purpose of the Act is to establish:

17       (1) The fetal alcohol spectrum disorders special fund, to  
18       be administered by the department of human services,  
19       and which will consist only of federal moneys relating  
20       to fetal alcohol spectrum disorders, and interest  
21       earned on those moneys; and



1 (2) A fetal alcohol spectrum disorders task force, which  
2 shall develop and report to the legislature regarding  
3 guidelines, recommendations, and teaching protocols  
4 relating to fetal alcohol spectrum disorders.

5 SECTION 2. Chapter 346, Hawaii Revised Statutes, is  
6 amended by adding a new section to part I to be appropriately  
7 designated and to read as follows:

8 "§346- Fetal alcohol spectrum disorders special fund;  
9 established. (a) There is established within the state  
10 treasury a special fund to be known as the fetal alcohol  
11 spectrum disorders special fund to be administered and expended  
12 by the department.

13 (b) The fund shall consist of:  
14 (1) Federal funds granted by Congress or presidential  
15 executive order for the purpose of assisting  
16 individuals who have fetal alcohol spectrum disorders;  
17 and

18 (2) Interest accrued to the moneys in the special fund.

19 (c) The moneys in the fetal alcohol spectrum disorders  
20 special fund shall be used by the department to provide  
21 assistance to individuals who have fetal alcohol spectrum



1 disorders, in a manner that complies with federal law or  
2 presidential executive orders, as applicable."

3 SECTION 3. (a) There is established a fetal alcohol  
4 spectrum disorders task force, to be placed in the department of  
5 health for administrative purposes.

6 (b) The following individuals, or their designees, shall  
7 serve as members of the fetal alcohol spectrum disorders task  
8 force:

9 (1) The director of health, who shall serve as chair of  
10 the task force;

11 (2) The chief justice of the supreme court;

12 (3) The president of the senate;

13 (4) The speaker of the house of representatives;

14 (5) The director of human services;

15 (6) The superintendent of education;

16 (7) The insurance commissioner; and

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

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

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



- 1           (2) An individual who has a fetal alcohol spectrum  
2           disorder, or the individual's guardian; and
- 3           (3) Any other individuals with relevant experience  
4           relating to the work of the task force.
- 5           (d) The fetal alcohol spectrum disorders task force shall  
6 develop:
- 7           (1) Guidelines and recommendations for governmental  
8           support of individuals who have fetal alcohol spectrum  
9           disorders, including guidelines and recommendations  
10          for outreach, treatment, and resource identification;
- 11          (2) Teaching protocols, with assistance from the  
12          department of education;
- 13          (3) Pathways by which state departments may implement  
14          policies and procedures relating to these guidelines,  
15          recommendations, and teaching protocols; and
- 16          (4) A proposed timeframe for the full implementation of  
17          these guidelines, recommendations, and teaching  
18          protocols.
- 19          (e) The fetal alcohol spectrum disorders task force shall  
20 submit a report of its findings and recommendations, including  
21 any proposed legislation, to the legislature no later than



1 twenty days prior to the convening of the regular session of  
2 2024.

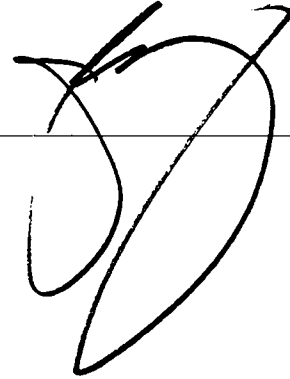
3 (f) The fetal alcohol spectrum disorders task force shall  
4 dissolve on July 1, 2024.

5 SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY: \_\_\_\_\_

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature consists of several overlapping loops and curves, making it difficult to decipher the specific name.



# S.B. NO. 714

**Report Title:**

Fetal Alcohol Spectrum Disorder; Department of Health;  
Department of Human Services; Special Fund; Task Force

**Description:**

Establishes the fetal alcohol spectrum disorders special fund, to be administered by the department of human services, and which shall consist of federal funds and interest earned on those funds. Establishes a temporary fetal alcohol spectrum disorders task force within the department of health for administrative purposes. Requires a report to the legislature.

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

