

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 1340
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 1340, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Expand the exemption from the behavior analyst licensing requirements for certain teachers working in collaboration with a licensed behavior analyst or licensed psychologist;
- (2) Remove the exemption from the behavior analyst licensing requirements for direct support workers; and
- (3) Allow a registered behavior technician who is under the direction of a licensed psychologist to implement applied behavior analysis services.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii State Council on Developmental Disabilities, Hawaii State Teachers Association, and Special Education Advisory Council. Your Committee received testimony in opposition to this measure from one individual. Your



Committee received comments on this measure from the Hawai'i Association for Behavior Analysis.

Your Committee finds that the Department of Education has a shortage of qualified individuals to offer Applied Behavior Analysis (ABA) services to youth with autism. ABA is the leading practice that can help individuals with autism succeed. ABA helps curb inappropriate behaviors, improve academic performance, and enhance everyday functional skills. This measure will bolster the State's ABA workforce by allowing certain classroom teachers and registered behavior technicians under the direction of a licensed psychologist to implement ABA services.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1340, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1340, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,

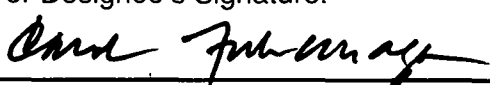


JARRETT KEOHOKALOLE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SB 1340 SDI	Committee Referral: HHS, CPN	Date: 2/22/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
MCKELVEY, Angus L.K.	✓			
RICHARDS, III, Herbert M. "Tim"	✓			
AWA, Brenton	✓			
TOTAL	✓	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes