

STAND. COM. REP. NO.

312

Honolulu, Hawaii

FEB 17 , 2021

RE: H.B. No. 471
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 471 entitled:

"A BILL FOR AN ACT RELATING TO BEHAVIOR ANALYSTS,"

begs leave to report as follows:

The purpose of this measure is to make permanent the regulation of behavior analysts under chapter 465D, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Department of Health, Hawaii Disability Rights Center, Hawai'i Association for Behavior Analysis, Autism Speaks Volunteer Advocacy Ambassador, Together For Our Keiki, Hawaii State Teachers Association, and numerous individuals. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that Act 199, Session Laws of Hawaii 2015 (Act 199), enacted a regulatory structure for the practice of applied behavior analysis that included a licensing process and licensing requirements for behavior analysts. There are currently over three hundred licensed behavior analysts in the State who provide services to thousands of children and adults. However, your Committee notes that the regulation of behavior analysts is scheduled to sunset on June 30, 2021.

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Your Committee further finds that a December 2020 report from the Office of the Auditor found that the current licensing requirement for behavior analysts is reasonably necessary to protect the health, safety, and welfare of children and adults receiving services from a behavior analysts. Accordingly, this measure removes the sunset date of Act 199, thereby making permanent the regulation of behavior analysts.

Your Committee has amended this measure by changing the effective date to January 1, 2050, to encourage further discussion.

Your Committee notes that a June 29, 2021, effective date for this measure is necessary to prevent repeal of the regulation of behavior analysts.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 471, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 471, H.D. 1.

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


AARON LING JOHANSON, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature **HSCR 312**

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 471	Committee Referral: HHH, CPC, FIN	Date: 2/11/2021		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. JOHANSON, Aaron Ling (C)	✓			
2. KITAGAWA, Lisa (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. HAR, Sharon E.	✓			
5. HASHEM, Mark J.	✓			
6. KONG, Sam Satoru	✓			
7. MIZUNO, John M.	✓			
8. MORIKAWA, Dee	✓			
9. ONISHI, Richard H.K.	✓			
10. TARNAS, David A.	✓			
11. MATSUMOTO, Lauren	✓			
TOTAL (11)	11	0	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Lisa Kitagawa</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				