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# A BILL FOR AN ACT

RELATING TO BEHAVIOR ANALYSTS.

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

1           SECTION 1. The legislature finds that Act 199, Session  
2 Laws of Hawaii 2015 (Act 199), codified as chapter 465D, Hawaii  
3 Revised Statutes, enacted a regulatory structure for behavior  
4 analysts. This regulatory structure is scheduled to sunset on  
5 June 30, 2021.

6           The legislature further finds that in December 2020, the  
7 auditor released report no. 20-20: "Sunset Evaluation:  
8 Regulation of Behavior Analysts," which found that the criteria  
9 for regulating professions contained in section 26H-2, Hawaii  
10 Revised Statutes, supports continued regulation of the applied  
11 behavior analysis profession. Specifically, the auditor's  
12 report found that:

13           (1) Licensing requirements governing the practice of  
14 applied behavior analysis are reasonably necessary to  
15 protect the health, safety, or welfare of those  
16 receiving services, and therefore should be  
17 maintained. In particular, behavior analysts develop



1 and supervise treatment in cases involving aggressive  
2 and impulsive behaviors, including physical  
3 aggression, property destruction, and self-injury;

4 (2) Licensing the practice of applied behavior analysis  
5 protects consumers by establishing certain minimum  
6 qualifications, as treatment by unqualified  
7 individuals could worsen behavior and result in other  
8 negative social outcomes;

9 (3) Regulation assures that behavior analysts are licensed  
10 professionals providing services that are eligible for  
11 insurance reimbursement; and

12 (4) Licensing of behavior analysts does not unreasonably  
13 restrict entry into the practice of applied behavior  
14 analysis in Hawaii and licensing fees cover the cost  
15 to administer the program.

16 The legislature additionally finds that since 2015, over  
17 three hundred licensed behavior analysts and over fourteen  
18 hundred behavior technicians are currently registered in the  
19 State. Thousands of children and adults have received access to  
20 applied behavior analysis services since the implementation of  
21 Act 199.



1           Accordingly, the purpose of this Act is to make permanent  
2 the regulation of behavior analysts under chapter 465D, Hawaii  
3 Revised Statutes.

4           SECTION 2. Section 26H-4, Hawaii Revised Statutes, is  
5 amended to read as follows:

6           "§26H-4 Repeal dates for newly enacted professional and  
7 vocational regulatory programs. (a) Any professional or  
8 vocational regulatory program enacted after January 1, 1994, and  
9 listed in this section shall be repealed as specified in this  
10 section. The auditor shall perform an evaluation of the  
11 program, pursuant to section 26H-5, prior to its repeal date.

12           ~~[(b) Chapter 465D (behavior analysts) shall be repealed on~~  
13 ~~June 30, 2021.~~

14           ~~(e)]~~ (b) Chapter 466L (appraisal management companies)  
15 shall be repealed on June 30, 2023.

16           ~~[(d)]~~ (c) Chapter 457J (midwives) shall be repealed on  
17 June 30, 2025."

18           SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20           SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Behavior Analysts; Regulation; Sunset Repeal

**Description:**

Makes permanent the regulation of behavior analysts. (SD1)

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

