



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of S.B. 668 SD1
RELATING TO THE REGISTRY OF CLEAN AND SOBER HOMES**

SENATOR JILL N. TOKUDA, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: February 29, 2016 Room Number: 211
9:00 a.m.

1 **Fiscal Implications:** None.

2 **Department Testimony:** This measure will provide protection from liability to the Department
3 of Health (DOH), its employees, agents and volunteers for operating the clean and sober homes
4 registry.

5 Stable housing is a critical component in the continuum of substance abuse treatment and
6 recovery. Data for Fiscal Year 2013-14 show that approximately 18.6 percent of clients served
7 by the Alcohol and Drug Abuse Division contracted substance abuse treatment providers did not
8 have stable housing at admission. At follow-up, unstable housing status was reduced to 6.0
9 percent.

10 Act 193 SLH 2014, relating to group homes, was enacted to help residents of clean and
11 sober group homes to access a stable, alcohol- and drug-free home-like living environment.
12 These homes, which are operated by for-profit or non-profit entities, are located in communities
13 throughout the state. They provide a means for persons to return to the community without the
14 rigid structure of a therapeutic living program which requires licensure.

1 Section 3 of the Act (codified as Section 321-193.7, Hawaii Revised Statutes) established
2 the registry of clean and sober homes to: increase the number of homes that maintain
3 appropriate living conditions; set minimum standards; give special advantages to homes on the
4 registry, such as technical support and preferred referral status; include specific requirements that
5 homes on the registry must meet; and provide a framework to monitor the homes. A key
6 function of the voluntary registry is to enable agencies referring clients to monitor residences that
7 provide the necessary support for recovery efforts.

8 The voluntary registry of clean and sober homes is a product of a two-year process during
9 which the knowledge and expertise of public (i.e., State and County) as well as private agencies'
10 perspectives were elicited. In the long-term, the registry will provide a more formalized means
11 for agencies to refer clients to alcohol- and drug-free housing which benefits clients of DOH
12 behavioral health programs, as well as clients enrolled in Department of Human Services
13 programs that assist the homeless.

14 Exposure to liability is possible if information made available in good faith by registry
15 staff results in adverse consequences, or if the public looks to hold the registry, and by extension
16 the State of Hawaii, liable for incidents that may occur in a particular clean and sober home. The
17 proposed provision for the voluntary registry reduces the State's (and therefore, the taxpayers')
18 exposure to liability for operating the registry for clean and sober homes in good faith.

19 We respectfully recommend that this measure be approved as introduced.

20 Thank you for the opportunity to testify on this measure.

21

**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) IN OPPOSITION TO S.B. NO. 668, SD 1**

Date: Monday, February 29, 2016

Time: 9:00 am

Room: 211

To: Chairperson Jill Tokuda and the Members of the Senate Committee on Ways and Means:

My name is Bob Toyofuku and I am presenting testimony on behalf of the Hawaii Association for Justice (HAJ) in OPPOSITION to S.B. No. 668, SD 1, Relating to Clean and Sober Homes.

HAJ has agreed to limitation of liability in several important measures this session where there is at least a requirement of good faith compliance and prohibition of unreasonable conduct. HAJ will not oppose a similar requirement in this measure, such as found in SB 2181, SD 1 (Right to Try non-approved treatment for terminally ill), SB 2879, SD1 (Foster Children), or SB 2392, SD 1(Opiod Antagonists). This can be accomplished by adding the words “reasonably and” after “registry” and before “in good faith” on page 4, line 3.

The Hawaii Association for Justice generally opposes any limitation of civil liability which reduces protection for consumers and limits or lessens the incentive for everyone to act responsibly to reduce or eliminate harm to others. HAJ recognizes that this measure is well intended and addresses an important option for the rehabilitation of those with substance abuse issues. The proposed amendment will at least require good faith compliance with the measure and prohibit unreasonable conduct.

Thank you very much for allowing me to testify regarding this measure. Please feel free to contact me should you have any questions or desire additional information.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
HAWAII PAROLING AUTHORITY
1177 Alakea Street, First Floor
Honolulu, Hawaii 96813

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No. _____

TESTIMONY ON SENATE BILL 668, SD1
RELATING TO THE REGISTRY OF CLEAN AND SOBER HOMES

By
Tommy Johnson, Administrator
Hawaii Paroling Authority

Senate Committee on Ways and Means
Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz

Monday, February 29, 2016 – 9:00 a.m.
State Capitol, Conference Room 211

Chair Tokuda, Chair Dela Cruz, and Members of the Committee:

The Hawaii Paroling Authority (HPA) strongly supports Senate Bill 668, SD1 which seeks to provide immunity from liability to the Department of Health, its employees, agents, and volunteers for operating the clean and sober homes registry. The clean and sober homes registry is critical to the State's efforts in assisting persons recovering from substance abuse to have a safe, clean, and sober environment that supports their recovery.

The HPA firmly believes that immunity is needed for the Department of Health, its employees, agents, and volunteers operating the clean and sober homes registry to ensure their efforts are not hindered by threats of litigation, which would have a chilling effect on the State's efforts in this area. The HPA supervises approximately 1,500 convicted felons on parole statewide and many of these individuals are in need of a place to reside that is safe, clean, and a sober environment which supports their recovery. The registry is critically important and the requested immunity should be provided. HPA respectfully recommends that the defective date of 7/1/2050 be changed to be effective 7/1/2016.

Thank you for the opportunity to provide testimony on SB 668, SD1



HAWAII SUBSTANCE ABUSE COALITION

SB668 RELATING TO REGISTRY OF CLEAN AND SOBER HOMES

COMMITTEE ON WAYS AND MEANS: Senator Tokuda, Chair; Senator Dela Cruz, Vice Chair

- Monday, February 29, 2016 at 9:00 a.m.
- Conference Room 211

HSAC Supports SB668 SD1:

Good Morning Chair Tokuda; Vice Chair Dela Cruz, And Distinguished Committee Members. My name is Alan Johnson, Chair of the Hawaii Substance Abuse Coalition, an organization of more than thirty treatment and prevention agencies across the State.

The Hawaii Substance Abuse Coalition supports immunity from liability for the Department of Health to operate a clean and sober home registry.

Immunity

This bill would protect the Department of Health for any liability for a voluntary registry that merely establishes procedures and standards for good operations for clean and sober homes located in neighborhoods with the stipulation that continued good neighborhood relations is a requirement to remain in the voluntary registry.

Background

In 2014, the legislature enacted Act 193 to establish a registry for clean and sober homes.



- Given that such homes are protected by ADA rules and FHA regulations, the intent of the registry is for voluntary participation to ensure such homes are good neighbors.
- The incentive to join the registry is that the various referral sources, such as treatment agencies, probation and parole, would prefer to send referrals to those homes in the registry that demonstrate positive neighbor relations and good management practices.

We appreciate the opportunity to testify and are available for questions.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: eb2@hawaii.edu
Subject: Submitted testimony for SB668 on Feb 29, 2016 09:00AM
Date: Friday, February 26, 2016 2:54:22 PM

SB668

Submitted on: 2/26/2016

Testimony for WAM on Feb 29, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
liz Brown	Individual	Support	No

Comments: It is imperative that people seeking a clean and sober home be provided with services that are safe and accommodating. A voluntary registry would be helpful in having service providers determine what clean and sober houses are such.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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