

STAND. COM. REP. NO.

2360

Honolulu, Hawaii

FEB 18 2016

RE: S.B. No. 668
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Judiciary and Labor, to which was referred S.B. No. 668 entitled:

"A BILL FOR AN ACT RELATING TO THE REGISTRY OF CLEAN AND SOBER HOMES,"

beg leave to report as follows:

The purpose and intent of this measure is to provide immunity from liability to the Department of Health and its employees, agents, and volunteers for operating the clean and sober homes registry in good faith.

Your Committees received testimony in support of this measure from the Department of Health, Hawaii Paroling Authority, Hawaii Substance Abuse Coalition, The Salvation Army Addiction Treatment Services and Family Treatment Services, The CHOW Project, and Ku Aloha Ola Mau. Your Committees received testimony in opposition to this measure from the Hawaii Association for Justice and Ho'omana Pono, LLC.

Your Committees find that stable housing is a critical component in the continuum of substance abuse treatment and recovery. Act 193, Session Laws of Hawaii 2014, was enacted to help residents of clean and sober group homes to access a stable, alcohol- and drug-free home-like living environment that provides a means for persons to return to the community without the rigid structure of a licensed therapeutic living program.



Your Committees further find that the voluntary registry of clean and sober homes will provide a more formalized means for agencies to refer clients. However, exposure to liability is possible if information made available in good faith by registry staff results in adverse consequences or if the public attempts to hold the registry liable for incidents that occur in a particular clean and sober home.

Your Committees acknowledge that clean and sober homes are not licensed by the Department of Health and that the Department is performing non-regulatory responsibilities in the registry of these homes. This measure reduces the State's exposure to liability for operating the registry for clean and sober homes in good faith.


Your Committees have amended this measure by:

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

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 668, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 668, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Commerce,
Consumer Protection, and Health
and Judiciary and Labor,



GILBERT S.C. KEITH-AGARAN, Chair


ROSALYN H. BAKER, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i


Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB668	CPH/JDL, WAM	2-12-16		
<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
BAKER, Rosalyn H. (C)	/			
KIDANI, Michelle N. (VC)	/			
ESPERO, Will	/			
IHARA, Jr., Les	/			
NISHIHARA, Clarence K.	/			
RUDERMAN, Russell E.				/
SLOM, Sam	/			
TOTAL	6			1
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

The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB668	Committee Referral: CPH/JDL, WAM	Date: 2/12/16		
<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
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)				/
GABBARD, Mike [REDACTED]	/			
KIM, Donna Mercado	/			
THIELEN, Laura H.	/			
SLOM, Sam	/			
TOTAL	5	—	—	1
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