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# A BILL FOR AN ACT

RELATING TO DEVELOPMENTAL DISABILITIES.

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

1           SECTION 1. Pursuant to House Concurrent Resolution No. 17  
2 adopted in 2014, the department of health established a task  
3 force to review Hawaii's statutory definition of "developmental  
4 disabilities".

5           The task force found that the federal definition of  
6 "developmental disabilities" was revised in 2000 to include  
7 infants and young children with substantial developmental delays  
8 or specific congenital or acquired conditions, where due to  
9 their age, functional criteria that are used for adolescents and  
10 adults could not be reliably applied to infants and young  
11 children. Since Hawaii's current statutory definition of  
12 "developmental disabilities" requires that an individual have  
13 three or more functional limitations in major life activities,  
14 this can exclude infants and young children from receiving  
15 necessary services since these life activities cannot reliably  
16 be assessed.

17           The task force recommends amending the current definition  
18 of "developmental disabilities" in section 333F-1, Hawaii



1 Revised Statutes, to clarify that an individual from birth to  
2 age nine who has substantial developmental delays or specific  
3 congenital or acquired conditions may be considered to have a  
4 developmental disability without meeting three or more of the  
5 criteria described in the current definition if the infant or  
6 child, without services and supports, has a high probability of  
7 meeting these criteria later in life.

8 SECTION 2. Section 333F-1, Hawaii Revised Statutes, is  
9 amended by amending the definition of "developmental  
10 disabilities" to read as follows:

11 "Developmental disabilities" means a severe, chronic  
12 disability of a person which:

- 13 (1) Is attributable to a mental or physical impairment or  
14 combination of mental and physical impairments;  
15 (2) Is manifested before the person attains age twenty-  
16 two;  
17 (3) Is likely to continue indefinitely;  
18 (4) Results in substantial functional limitations in three  
19 or more of the following areas of major life  
20 activity[+]: self-care, receptive and expressive



1 language, learning, mobility, self-direction, capacity  
2 for independent living, and economic sufficiency; and  
3 (5) Reflects the person's need for a combination and  
4 sequence of special, interdisciplinary, or generic  
5 care, treatment, or other services [~~which~~] that are of  
6 lifelong or extended duration and are individually  
7 planned and coordinated.

8 An individual from birth to age nine who has a substantial  
9 developmental delay or specific congenital or acquired condition  
10 may be considered to have a developmental disability without  
11 meeting three or more of the criteria described above, if the  
12 individual, without services and supports, has a high  
13 probability of meeting those criteria later in life."

14 SECTION 3. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.  
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**Report Title:**  
Developmental Disabilities

**Description:**  
Amends the definition of "developmental disabilities" in section 333F-1, Hawaii Revised Statutes, to include children from birth to age 9 who have a substantial developmental delay or specific congenital or acquired condition and without services and supports, have a high probability of meeting criteria for developmental disabilities later in life. (SD1)

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