



GOV. MSG. NO. 1182

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 24, 2021

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 24, 2021, the following bill was signed into law:

HB0471 HD1 SD2

**RELATING TO BEHAVIOR ANALYSTS
ACT 080 (21)**

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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 on June 29, 2021.



H.B. NO. 471
H.D. 1
S.D. 2

APPROVED this 24 day of JUN , 2021

A handwritten signature in black ink, appearing to read "David Ige". The signature is fluid and cursive, with a long horizontal stroke extending to the right.


GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: April 8, 2021
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021.


President of the Senate


Clerk of the Senate

HB No. 471, HD 1, SD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 22, 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives