

**Senate Human Services Committee
Senate Bill 2335 – February 13, 2023
Testimony of Rachel Sinness, P&A Legal Director**

P&A protects the human, civil and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

P&A provides testimony in favor of SB 2335 relating to changes in statute to accommodate fetal alcohol spectrum disorder. Approximately 1 in 20 North Dakotans have or will be diagnosed with a fetal alcohol spectrum disorder (FASD). The average annual cost in North Dakota for FASD cases is \$470 million. FASD accounts for 1% of live births in North Dakota and is 2.5 times more prevalent than Autism. Despite its prevalence, North Dakota's definition of "developmental disability" currently does not include FASD, and students with FASD are currently not considered students with a disability. These exclusions, lack of training, and lack of screening and treatment result in an inability to receive developmental disability services, high rates of incarceration and recidivism among those who have FASD, and higher than average school exclusion rates.

Alaska, New York, and neighboring state Minnesota have already included FASD in their statutory definitions of "developmental disability." Individuals diagnosed with FASD are entitled to the same level of services as for any other developmental disability and have a basis to get those services provided immediately.¹ Minnesota has also implemented training on the prevention of FASD,² as well as prenatal alcohol exposure

¹ [FASD: Identification and Advocacy \(americanbar.org\)](https://www.americanbar.org/publications/identifying_fas_d/)

² [Sec. 245A.175 MN Statutes](https://legis.mn.gov/statutes/245A.175)

screening for children entering foster care,³ much like the efforts put before the North Dakota Legislature through this proposed legislation. While Minnesota's legislation is relatively new, having been adopted in 2022, the state is seeing encouraging results in the identification of children with prenatal exposure to alcohol and FASD training,⁴ and families are receiving much needed supports.⁵

P&A would like to see vast improvements in this area in North Dakota; we are concerned about the prevalence of FASD, its economic impact on North Dakota and North Dakota families, and the lack of services available to those who are diagnosed with FASD. P&A supports any and all efforts to make FASD more visible in North Dakota and to make treatments available to individuals whom P&A serves. P&A urges a DO PASS on SB 2335.

³ [Sec. 260C.219 MN Statutes](#)

⁴ [Landmark Legislation: A Victory for the FASD Community - Proof Alliance](#)

⁵ [Support - Proof Alliance](#)