

STAND. COM. REP. NO. 1262

Honolulu, Hawaii

March 16, 2007

RE: S.B. No. 1636
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 1636, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE,"

begs leave to report as follows:

The purpose of this bill is to promote drug-free workplaces by allowing tests used for forensic testing as a workplace testing device and approved by the Director of Health to be administered for pre-employment drug testing. This bill also provides for:

- (1) The use of screening tests as directed by the United States Food and Drug Administration (FDA) package insert or in its absence, the insert provided by the FDA approved facility that manufactured the screening test;
- (2) Employers to test employment applicants;
- (3) Unions to test members; and
- (4) Manufacturers to apply to the Department of Health (DOH) for interim approval while seeking FDA approval.

Emerald Bay Consulting, LLC; Nordic Construction, Ltd.; Hawaiian Dredging Construction Company, Inc.; Branan Medical Corporation; Pacific Resource Partnership; Kapolei Property Development, LLC; General Contractors Association of Hawaii;

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Hawaii Carpenters Union, Local 745; Hidano Construction, Inc.; S&M Sakamoto, Inc.; Waiawa Ridge Development, LLC; Ralph S. Inouye Co., Ltd.; Castle & Cook Homes Hawaii, Inc.; and Building Industry Association of Hawaii supported this bill. Straub Doctors on Call supported the intent of this measure. DOH opposed this bill. Diagnostic Laboratory Services, Inc., submitted comments.

Your Committee finds that the health, safety, and welfare of Hawaii's workforce is of great importance. Accurate, properly regulated drug testing is essential to upholding high standards of safety in the workplace. It is also important that we explore more efficient methods, both in time and economic value, of providing drug testing. However, until proper rules and regulations governing the application of and setting proper standards for such drug testing are implemented, there will be a great number of problems in this area.

Your Committee has amended this bill by:

- (1) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (2) Inserting a sunset date of January 1, 2012.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1636, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1636, S.D. 2, H.D. 1, and be referred to the Committee on Labor & Public Employment.

Respectfully submitted on
behalf of the members of the
Committee on Health,



JOSHUA B. GREEN, M.D., Chair



