

STAND. COM. REP. NO.

1246

Honolulu, Hawaii

MAR 23 2007

RE: H.B. No. 964
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Health, to which was referred H.B. No. 964,
H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to ensure the safety of
workers by providing a cost effective detection and deterrence
tool for drug testing and to keep job sites safe.

Specifically, this measure facilitates employment-related
drug testing by:

- (1) Allowing the use of screening tests that may be used for
forensic testing as a workplace testing device; and
- (2) Requiring employers using a screening test for pre-
employment screening to administer the test in
accordance with the manufacturer's package insert,
instead of the United States Food and Drug
Administration insert.

Your Committee received testimony in support of this measure
from the General Contractors Association of Hawaii and Emerald Bay
Consulting, LLC. The Pacific Resource Partnership; Hawaii
Carpenters Union; Ralph S. Inouye Co., Ltd.; Waiawa Ridge
Development, LLC; Hawaiian Dredging Construction Company; Hidano
Construction, Inc.; S & M Sakamoto, Inc.; the Building Industry

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Association of Hawaii; Castle & Cooke Homes Hawai'i, Inc.; Kapolei Property Development LLC; and Straub Doctors on Call submitted testimony in support of the intent of this measure with comments. Testimony in opposition was received from the Department of Health and Clinical Labs of Hawaii. The Diagnostic Laboratory Services, Inc. submitted comments on this measure.

Your Committee finds that drug abuse has become a major health and safety challenge facing Hawaii's construction industry. Drug and alcohol impairment on job sites has overwhelmed Hawaii's construction companies and results in accidents, poor artisanship, and higher workers' compensation claims and premiums.

Your Committee has amended this measure by deleting its contents and inserting the language from S.B. No. 1636, S.D. 2, a similar measure that makes the following changes:

- (1) Clarifies that the testing device used must be manufactured in a facility licensed by the United States Food and Drug Administration (FDA);
- (2) Requires that test be administered according to the FDA package insert, or where there is no such FDA insert, then the package instruction accompanying the test kit;
- (3) Removes the requirement that an on-site pre-employment screening test must be approved by the Director of Health;
- (4) Authorizes pre-employment screening provided that employers are authorized to drug test applicants and unions are authorized to drug test members; and
- (5) Changes the effective date to July 1, 2055, to encourage further discussion.

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 H.B. No. 964, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 964, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Labor.



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




DAVID Y. IGE, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:
HB 964 HDL	HTH, JDL	3/21/07
<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	
IGE, David Y. (C)	✓	
FUKUNAGA, Carol (VC)	✓	
BAKER, Rosalyn H.	✓	
MENOR, Ron	✓	
WHALEN, Paul		✓
TOTAL	4	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:	Original	Yellow
File with Committee Report	Clerk's Office	Pink
		Drafting Agency

*Only one measure per Record of Votes