

Honolulu, Hawaii

March 20, 2008

RE: S.B. No. 1487
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 1487, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES,"

begs leave to report as follows:

The purpose of this bill is to update Hawaii's Uniformed Controlled Substances Act (Act) to conform to amendments made to federal law.

The Department of Public Safety (DPS) supported this bill.

In light of proposed amendments submitted by DPS, your Committee has amended this measure by inserting a new part that, among other things:

- (1) Adds embutramide (Tributame) to the list of depressants under Schedule III of the Act;
- (2) Establishes fines for violations of the Act or rules adopted pursuant to the Act, and allows the Director of Public Safety to impose administrative penalties subject to certain factors;



- (3) Allows the Administrator of the Narcotics Enforcement Division of DPS (Administrator) to institute a civil action for injunctive relief to prevent any violation of the Act;
- (4) Defines "designated member of the health care team" and "physician-patient relationship" under the Act;
- (5) Requires a pharmacist to promptly reduce oral prescriptions to writing, including certain required information;
- (6) Requires practitioners to maintain original prescriptions in accordance with recordkeeping and inventory requirements of federal law and DPS rules;
- (7) Prohibits practitioners from:
 - (A) Pre-dating or pre-signing prescriptions to facilitate the obtaining of controlled substances; and
 - (B) Facilitating the issuance or distribution of a written or oral prescription for a controlled substance when not physically in the state;
- (8) Prohibits the administering, prescribing, or dispensing of any controlled substance without a bona-fide physician-patient relationship, with the exception of pharmacists;
- (9) Repeals existing provisions relating to administrative inspections and warrants and establishes new procedures, powers, requirements, and restrictions for administrative inspections; and
- (10) Establishes that intentional or knowing failure to transmit any information required under the controlled substance electronic accountability prescription shall result in immediate suspension of the pharmacy's ability to dispense controlled substances in the state until authorized by the Administrator.

In addition, your Committee has amended this measure by changing its effective date to July 1, 2008, and making technical, nonsubstantive amendments for style, clarity, and consistency.



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. 1487, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1487, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

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

Josh Green M.D.

JOSHUA B. GREEN, M.D., Chair



