

Honolulu, Hawaii

FEB 16 2007

RE: S.B. No. 1636
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 S.B. No. 1636
entitled:

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

begs leave to report as follows:

The purpose of this measure is to broaden the definition of
"substance abuse on-site screening test" to include tests used for
forensic testing as a workplace testing device and approved by the
Director of Health.

This measure also provides that the screening test should be
conducted in accordance with the package insert that accompanies
the substance abuse test that is manufactured in a facility
licensed by the FDA, rather than conducted in accordance with FDA
adopted guidelines.

Your Committee received testimony in support of this measure
from The Pacific Resource Partnership; Hawaii Carpenters Union;
General Contractors Association of Hawaii; Waiawa Ridge
Development LLC; Castle & Cooke Homes Hawai'i, Inc.; Kapolei
Property Development LLC; Ralph S. Inouye Co., Ltd.; S & M
Sakamoto, Inc.; Hawaiian Dredging Construction Company; Emerald
Bay Consulting, LLC; Branam Medical Corporation; Hidano
Construction Inc.; and Building Industry Association of Hawaii.
Testimony in opposition was received from the Department of Health
(DOH) and Department of Human Resources Development.



Your Committee finds that the major health and safety challenges facing Hawaii's construction industry is drug usage. There is exposure to crystal methamphetamine and other drugs, even among construction workers. Hawaii's construction companies are beset with workforce impairment, which results in accidents, poor artisanship, and higher workers' compensation claims and premiums.

According to the testimony of the DOH, there is a lack of approved regulatory guidelines for forensic drug screen testing in the workplace. This measure would allow employers to use an alternative forensic testing as a workplace testing device. The FDA is currently considering approving the testing of head hair, oral fluid, and sweat specimens. This measure would allow such alternative testing. The testimony of The Pacific Resource Partnership indicates that there is a need for better and more affordable testing alternatives to urine or blood. Onsite or instant oral fluid drug screens have been widely used on the West Coast, where they have become a cost effective early detection and deterrence tool to keep job sites safe.

Your Committee has amended this measure by:

- (1) Clarifying that the testing device used must be manufactured in a facility licensed by the United States Food and Drug Administration;
- (2) Requiring that the package instruction of the FDA approved device be followed in administering the test, or if there is no such FDA instruction, then the package instruction accompanying the test kit; and
- (3) Changing the effective date to July 1, 2050, in the interests of allowing further time for more 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 S.B. No. 1636, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1636, 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.:* SB 1636	Committee Referral: HTH, JDL	Date: 2/14/2007		
<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: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">  </div>				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

*Only one measure per Record of Votes