

STAND. COM. REP. NO.

2669

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 2373

S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2373, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE SALES,"

begs leave to report as follows:

The purpose of this measure is to require pharmacies and  
retailers to record in an electronic log certain information of  
the sales transaction and purchaser of controlled substances.

Testimony in support of this measure was received from the  
Department of Public Safety and one individual. The American  
Civil Liberties Union of Hawai'i and one individual testified in  
opposition. The Hawaii Food Industry Association submitted  
comments.

This measure requires the recordation, in an electronic log  
on software provided by the Department of Public Safety, Narcotics  
Enforcement Division (Division), of information including the date  
of birth of the purchaser, type of identification provided, agency  
issuing the identification, any unique number associated with the  
identification, as well as the name of the substance. The  
electronic log in Excel worksheet format is to be mailed to the  
Division once a month. The electronic log must be capable of  
checking compliance against state and federal laws and of  
interfacing with other states to ensure compliance, and be subject  
to random and warrantless inspection by state or county law  
enforcement officers.



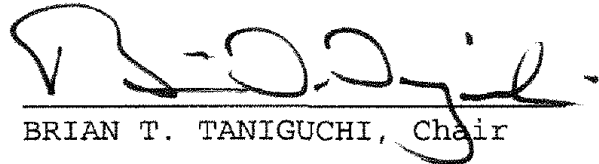
The pharmacy or retailer is to retain the information for a period of two years.

With the decrease in the quality of methamphetamine and the increase in its street price, it is highly likely that criminals will revert back to manufacturing their own high quality methamphetamine using pseudoephedrine products obtained from retail distributors. A study conducted in 2004 indicated that there were 1,883 retail stores in the State that were able to sell pseudoephedrine products, and most of these stores were not pharmacies and were unable to verify prior pseudoephedrine sales with their other retail counterparts. Thus, an individual would have the ability to visit multiple retail chain stores and obtain 3.6 grams of pseudoephedrine per visit without the retailer being able to verify or track the individual's previous purchases that day.

Your Committee finds that this measure is necessary to facilitate law enforcement and prosecution of illegal pseudoephedrine sales in the interests of protecting the public health and safety.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2373, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

  
BRIAN T. TANIGUCHI, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2373 SD1	CPH, JDL	2/25/08

The committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312     Pass, with amendments 2311     Hold 2310     Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)	/			
HEE, Clayton (VC)				/
GABBARD, Mike	/			
KOKUBUN, Russell S.	/			
NISHIHARA, Clarence K.				/
SLOM, Sam			/	
<b>TOTAL</b>	<b>3</b>		<b>1</b>	<b>2</b>

Recommendation:  Adopted     Not Adopted

Chair's or Designee's Signature: *Russell Kolb*

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\*Only one measure per Record of Votes