

STAND. COM. REP. NO.

2489

Honolulu, Hawaii

FEB 15 2008

RE: S.B. No. 2460
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 Health, to which was referred S.B. No. 2460
entitled:

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

begs leave to report as follows:

The purpose of this measure is to prohibit pre-signed and
predated prescriptions used in obtaining controlled substances and
to clarify how the Department of Public Safety's Narcotic
Enforcement Division Administrator shall conduct inspections at
pharmacies.

Testimony in support of the measure was submitted by the
Department of Public Safety, the Department of the Attorney
General, Kaiser Permanente, and the Hawaii Pharmacists
Association.

Your Committee finds that increased regulation is necessary
to maintain proper control over prescriptions of pharmaceuticals
to avoid abuse and fraud. This measure prohibits practitioners
from predating or pre-signing prescriptions to facilitate the
obtaining of controlled substances and any person subject to part
III of chapter 329, Hawaii Revised Statutes, from administering,
prescribing, or knowingly dispensing any controlled substance
without a bona fide physician-patient relationship. Your
Committee determines that these prohibitions will help to reduce
the number of incidents of fraudulently obtained controlled
substances and diminish the problem of physicians inappropriately
issuing prescriptions.

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Your Committee received testimony indicating that further clarification is necessary regarding the guidelines for examining a patient prior to prescribing controlled substances and raising concern with increased penalties for certain violations. Your Committee determines that these are appropriate considerations for refinement of this measure.

Accordingly, your Committee has amended this measure by:

- (1) Changing the definition of "designated member of the physician's health care team" to mean a person authorized by the physician who is also authorized by state law to prescribe prescription drugs, including specified healthcare professionals;
- (2) Removing the enhanced penalty for violations of section 329-41(b), Hawaii Revised Statutes; and
- (3) Making technical, nonsubstantive changes for purposes of clarity and style.

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. 2460, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2460, 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. ISE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* SB 2460	Committee Referral: HTH	Date: 02-14-08
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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
IGE, David Y. (C)	✓			
FUKUNAGA, Carol (VC)	✓			
BAKER, Rosalyn H.	✓			
MENOR, Ron	✓			
WHALEN, Paul	✓			
TOTAL	5			

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes