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**TESTIMONY ON SENATE BILL 1487 SD2 HD1
RELATING TO CONTROLLED SUBSTANCES**

by

Clayton A. Frank, Director
Department of Public Safety

Committee on Judiciary
Representative Tommy Waters, Chair
Representative Blake K. Oshiro, Vice Chair

Tuesday, March 25, 2008, 4:05 p.m.
State Capitol, Conference Room 325

Representative Waters, Representative Oshiro, and Members of the Committee:

The Department of Public Safety (Department) strongly supports Senate Bill 1487 SD2, HD1, the Department's vehicle to update Hawaii's controlled substance laws as mandated by Hawaii Revised Statutes (H.R.S.) Sections 329-11 and 329-61 to be consistent with amendments made in Federal law. The proposed amendments to Senate Bill 1487 SD2 HD1 would amend H.R.S. Sections 329-14(e), 329-16, 329-18(c), 329-20(b) and 329-22 to be consistent with heading and format changes in Federal law. Senate Bill 1497 SD2, HD1 would add the depressant drug "Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid]" to Schedule V, Section 329-22, H.R.S. and add the depressant drug "Embutramide (Tributame)," a new euthanasia drug for dogs to Schedule III, Section 329-18(c) H.R.S.

The addition of these controlled substances are required by H.R.S. Section 329-11(d) which states that if a substance is added, deleted or rescheduled under Federal law, then the department shall recommend to the legislature that a corresponding change in Hawaii law be made.

Senate Bill 1487 SD2 HD1 also deletes H.R.S. Section 329-75(b) to conform with the Federal Combat Methamphetamine Epidemic Act of 2005, which does not allow for an exemption for pseudoephedrine products that are in liquid, liquid capsule or gel capsule form from the reporting and record keeping requirement.

Moreover, Senate Bill 1487 SD2 HD1 adds the substance "Salvia divinorum" as a Schedule I controlled substances due to the growing abuse of this substance across the nation. Presently Salvia divinorum has been made a controlled substance in Delaware, Louisiana, Missouri, Oklahoma, and Tennessee. Legislation has also been introduced to ban possession or sale of Salvia divinorum in fourteen additional states: Alaska, California, Georgia, Illinois, Iowa, Maine, New York, North Dakota, Ohio, Oregon, Pennsylvania, Texas, Utah, and Virginia. Salvia is being smoked by individuals to induce hallucinations, the effects of which are described by its users to be similar to those induced by ketamine, mescaline, or psilocybin. It is being widely touted on Internet sites aimed at young adults and adolescents eager to experiment with these types of dangerous substances. Salvia divinorum is already being shipped into Hawaii and is being sold in some of Hawaii's specialty shops.

Senate Bill 1487 SD2 HD1 also includes a joint effort by the Narcotics Enforcement Division, DCCA, Board of Medical Examiners, Kaiser, Hawaii Pharmacy association, Longs Drugs and other retailers, to amend H.R.S. Chapter 329 to allow the Department to: (1) Use an additional method to administratively correct minor infractions committed at pharmacies or by physicians and would afford the division the ability to work with the violator and prescribe the necessary action to correct the violation as well as specify a procedure for a registrant to contest the violation; (2) Add a definition for "Bona fide practitioner-patient relationship" to reflect the definition adopted by the Hawaii Board of Medical Examiners; (3) Clarify that it is a violation of State law to pre-sign blank prescriptions to facilitate the fraudulent acquisition of controlled substances and adds a penalty for a practitioner who administers, prescribes or dispenses a controlled substance without a medical reason determined after a good faith prior examination of the patient; and (4) Amends H.R.S. Section 329-52 relating to Administrative Inspections and Warrants of controlled substance registrants. The language is similar to that used by State Food and Drug inspectors and would better allow the Department to safeguard the public.

In summary, the Department of Public Safety strongly supports passage of Senate Bill 1487 SD2 HD1.

Thank you for the opportunity to testify on this matter.

Testimony of
Phyllis Dendle
Director of Government Affairs

House Committee on Judiciary
The Honorable Tommy Waters, Chair
The Honorable Blake Oshiro, Vice Chair

March 25, 2008
4:05 PM
Conference Room 325

SB 1487 SD2 HD1 RELATING TO CONTROLLED SUBSTANCES

Chair Waters and committee members, thank you for this opportunity to provide testimony on SB 1487 SD2 HD1 making amendments to Chapter 329 regarding the dispensing of pharmaceuticals.

Kaiser Permanente supports this bill.

Many of the amendments in this bill are the product of the cooperative effort of pharmacists who work in both health care and commercial settings and state agencies involved in regulating the dispensing of pharmaceuticals and the actions of pharmacists. They affect several sections of 329 HRS.

The amendments clarify what is a physician-patient relationship and how an oral or fax prescription is documented. The bill also describes required behavior of practitioners who prescribe by prohibiting predated or presigned prescriptions and requiring a physician-patient relationship for prescribing controlled substances. It also amends the section of the law describing how the narcotics enforcement division conducts inspections of pharmacies and what the penalties are for violating this chapter.

These amendments provide better protection for Hawaii residents while supporting the efficiency of pharmacies and the work of the narcotics enforcement division,

We urge you to pass this bill and thank you for your consideration.



Hawaii District Office: 2270 Hoanee Place, Honolulu, Hawaii 96819

Representative Tommy Waters, Chair
House Committee on Judiciary

Tuesday, March 25, 2008; 4:05 PM
Conference Room 325

RE: SB 1487 SD2 HD1 - RELATING TO CONTROLLED SUBSTANCES

Chair Waters, Vice-Chair Oshiro, and members of the Committee:

My name is Todd Inafuku, Manager of the Longs Drug Stores Hawaii Professional Service Center. Longs Drug Stores (Longs) **supports SB 1487 SD2 HD1**, which makes Hawaii's controlled substance law consistent with that of federal law. This measure also prohibits pre-signed and predated prescriptions and clarifies how the narcotic enforcement division administrator shall conduct inspections at pharmacies.

Longs supports this and other measures that ensure safer pharmacy practices and to that end, has been working closely with Keith Kamita, the State Narcotics Enforcement Division administrator.

Thank you for the opportunity to support SB 1487 SD2 HD1.

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