

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 967  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 967  
entitled:

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

begs leave to report as follows:

The purpose of this measure is to make Hawaii's controlled  
substance laws consistent with that of federal law and clarify  
sections of chapter 329, Hawaii Revised Statutes, relating to  
controlled substances.

Specifically, this measure:

- (1) Adds new drugs to schedules II and III of Hawaii's  
controlled substance laws sections 329-16(b), 329-16(e)  
and 329-18(g), Hawaii Revised Statutes, as required by  
section 329-11(d), Hawaii Revised Statutes, which states  
that if a substance is added, deleted, or rescheduled  
under federal law, the Department shall recommend to the  
Legislature that a corresponding change in Hawaii law be  
made;
- (2) Amends section 329-33 and 329-34, Hawaii Revised  
Statutes, to add language to provide that the surrender  
of an applicant's federal controlled substance  
registration shall be considered in determining whether  
the applicant's state registration is in the public  
interest and is a finding upon which a state  
registration may be suspended or revoked;



- (3) Amends section 329-38, Hawaii Revised Statutes, relating to controlled substances prescriptions to allow pharmacies to transfer refills of Schedule III through V controlled substance prescriptions between islands;
- (4) Allows pharmacies that are electronically sharing a real-time, online database to transfer controlled substance prescriptions between their pharmacies up to the maximum refills permitted by law and designates procedures for these transfers;
- (5) Amends section 329-41(a)(6), Hawaii Revised Statutes, that requires practitioners and pharmacists dispensing controlled substances to document in their log books the full name, signature, and identification number, and identification type of the customer obtaining the controlled substance prescription; and
- (6) Amends section 329-52, Hawaii Revised Statutes, relating to administrative inspections and warrants of controlled substance registrants to make this section consistent with inspection procedures utilized by the Department of Health.

Your Committee received testimony in support of this measure from the Department of Public Safety, the City and County of Honolulu Police Department, Kaiser Permanente, and Longs Drugs. Copies of written testimony are available for review on the Legislature's website.

Your Committee finds that this measure will safeguard the public by ensuring consistency in the regulation and enforcement of controlled substances by updating Hawaii's laws to be consistent with the Federal Controlled Substances Act.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the 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. 967, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 967, S.D. 1, and



be referred to the Committee on Judiciary and Government  
Operations.

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

*David Y. Ige*

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DAVID Y. IGE, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:*	Committee Referral:	Date:
SB 947	HTH, JGO	2-11-9


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)	✓			
GREEN, M.D., Josh (VC)	✓			
BAKER, Rosalyn H.	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.				✓
HEMMINGS, Fred	✓			
<b>TOTAL</b>	5	0	0	1

Recommendation:  Adopted     Not Adopted

Chair's or Designee's Signature: 

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\*Only one measure per Record of Votes