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GOVERNOR



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No. _____

TESTIMONY ON SENATE BILL 967 SD2 HD1
BILL FOR AN ACT RELATING TO
CONTROLLED SUBSTANCES
Clayton A. Frank, Director
Department of Public Safety

Committee on Consumer Protection & Commerce
Representative Robert N. Herkes, Chair
Representative Glenn Wakai, Vice Chair

Committee on Judiciary
Representative Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair

Thursday, March 19, 2009, 2:00 PM
State Capitol, Room 325

Representatives Herkes, Karamatsu and Members of the Committees:

The Department of Public Safety supports Senate Bill 967 SD2 HD1 that is the department's vehicle to update Hawaii's controlled substance laws to be consistent with amendments made in Federal law that is mandated by Section 329-11. The amendments being proposed by Senate Bill 967 SD2 HD1 would add new drugs to schedules II and III of Hawaii's controlled substance laws sections 329-16(b), 329-16(e) and 329-18(g) to be consistent with additions made by Federal law. The addition of these controlled substances is required by section 329-11(d) Hawaii Revised statutes 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 967 SD2 HD1 also proposes to amend sections 329-33 and 329-34 to add language to indicate that if a registrant is required to surrender his Federal controlled substance registration then that registrant must also surrender his State of Hawaii controlled substance registration.

Senate Bill 967 SD2 HD1 also proposes to amend section 329-38 relating to controlled substances prescriptions to allow pharmacies to transfer refills of Schedule III through V controlled substance prescriptions between islands. Senate Bill 967 SD2 also proposes to allow 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 designate procedures for these transfers.

Senate Bill 967 SD2 HD1 proposes to amend section 329-41(a) (6) that requires all distributors of controlled substances to maintain a logbook to document the signature and identification number of the customer obtaining the controlled substance prescription. The Department is proposing that the dispensing registrant also print the patients full name and list the type of identification presented in the logbook.

Senate Bill 967 SD1 HD1 also amends section 329-52 relating to Administrative Inspections and Warrants of controlled substance registrants. The Department is requesting to delete language in section 329-52 relating to administrative inspection warrants due to the fact that the Department utilizes search warrants for the seizure of records and property and has not utilized

administrative inspection warrants for well over twenty-three years. The Department is also adding language to section 329-52 relating to inspection procedures that 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 967 SD2 HD1 and would like to thank you for the opportunity to testify on this matter.

Testimony of
Phyllis Dendle
Director of Government Relations

Before:
House Committee on Consumer Protection and Commerce
The Honorable Robert N. Herkes, Chair
The Honorable Glenn Wakai, Vice Chair

Before:
House Committee on Judiciary
The Honorable Jon Riki Karamatsu, Chair
The Honorable Ken Ito, Vice Chair

March 23, 2009
2:00 pm
Conference Room 325

SB 967 SD2 HD1 RELATING TO CONTROLLED SUBSTANCES

Chairs Herkes and Karamatsu and committee members; thank you for this opportunity to provide testimony on SB 967 SD 2 HD1 making amendments to Chapter 329 regarding the dispensing of pharmaceuticals.

Kaiser Permanente supports this bill.

The amendments in this bill permit pharmacies electronically sharing a real-time online data base to transfer up to the maximum refills permitted. This bill also clarifies the law concerning circumstances and performance of administrative inspections.

These amendments provide better protection for Hawaii residents by 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 Hoonaa Place, Honolulu, Hawaii 96819

Representative Robert Herkes, Chair
House Committee on Consumer Protection & Commerce

Representative Jon Riki Karamatsu
House Committee on Judiciary

Monday, March 23, 2009; 2:00 p.m.
Conference Room 325

RE: SB 967 SD2 HD1 – Relating to Controlled Substances

Chairs Herkes and Karamatsu, Vice Chairs Wakai and Ito, and members of the Committees:

My name is Todd Inafuku with CVS Caremark Longs Drugs (“Longs”), testifying in support of SB 967 SD2 HD1 which makes Hawaii's controlled substance laws consistent with that of Federal law and clarifies sections of chapter 329 relating to controlled substances; authorizes administrative inspections of the premises and records other than financial data, for establishments such as pharmacies that are authorized to dispense controlled substances.

In addition to making Hawaii's law consistent with Federal requirements for the refills of controlled substance prescriptions, this bill allows controlled substances prescriptions with refills to be refilled between islands. This change will enable pharmacies throughout Hawaii to meet the prescription needs of patients.

Longs supports this and other measures that ensure safe pharmacy practices while increasing access to healthcare for our customers. Thank you for the opportunity to support SB 967 SD2 HD1.