

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 967 SD2 HD2
BILL FOR AN ACT RELATING TO
CONTROLLED SUBSTANCES
Clayton A. Frank, Director
Department of Public Safety

Committee on Finance
Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair

Wednesday, April 1, 2009, 11:00 AM
State Capitol, Room 308

Representative Oshiro and Members of the Committee:

The Department of Public Safety supports Senate Bill 967 SD2 HD2 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, Hawaii Revised Statutes, (HRS). The amendments being proposed by Senate Bill 967 SD2 HD2 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), HRS, 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 HD2 proposes to amend section 329-33 and 329-34 HRS, 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 HD2 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 HD2 proposes to amend section 329-41(a) (6) HRS, to clarify the requirements for a practitioner or pharmacist to distribute controlled substances to a patient. The amendment would require a practitioner or pharmacist to maintain a logbook or electronic database that documents the signature, to include use of electronic signature capture device, print patients full name, record the identification number and type of the customer obtaining the controlled substance prescription. Senate Bill 967 SD2 HD2 also adds language to address mail order prescriptions.

Senate Bill 967 SD1 HD2 amends section 329-52 HRS, relating to Administrative Inspections and Warrants of controlled substance registrants. The Department is requesting to delete language in section 329-52 HRS, relating to administrative inspection warrants due to the fact that the Department utilizes search warrants for the seizure of records and property and has

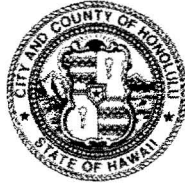
not utilized administrative inspection warrants for well over twenty-three years. The Department is also adding language to section 329-52 HRS, relating to inspection procedures that is similar to that used by State Food and Drug inspectors and would better allow the Department to safeguard the public.

In summary the Department of Public Safety strongly supports passage of Senate Bill 967 SD2 HD2 and would like to thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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MAYOR



BOISSE P. CORREA
CHIEF

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KARL A. GODSEY
DEPUTY CHIEFS

OUR REFERENCE LK-TA

April 1, 2009

The Honorable Marcus R. Oshiro, Chair
and Members
Committee on Finance
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Oshiro and Members:

Subject: Senate Bill No. 967, S.D. 2, H.D. 2, Relating to Controlled Substances

I am Louis Kealoha, captain of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports Senate Bill No. 967, S.D. 2, H.D. 2, Relating to Controlled Substances.

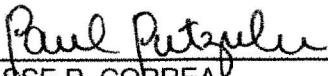
To ensure consistency in the regulation and enforcement of controlled substances, the Federal Controlled Substances Act is the basis for the classification of all controlled substances. It is the model upon which the Uniform Controlled Substances Act, chapter 329, Hawaii Revised Statutes, is based. Passage of this bill will ensure that chapter 329 is consistent with the Federal Controlled Substances Act.

The Honolulu Police Department urges you to support Senate Bill No. 967, S.D. 2, H.D. 2, Relating to Controlled Substances.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

for: 
BOISSE P. CORREA
Chief of Police


LOUIS KEALOHA, Captain
Narcotics/Vice Division

Testimony of
Phyllis Dendle
Director of Government Relations

House Committee on Finance
The Honorable Marcus R. Oshiro, Chair
The Honorable Marilyn B. Lee, Vice Chair

April 1, 2009
11:00 am
Conference Room 308
Agenda #2

SB 967 SD2 HD2 RELATING TO CONTROLLED SUBSTANCES

Chair Oshiro and committee members; thank you for this opportunity to provide testimony on SB 967 SD 2 HD2 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.