

STAND. COM. REP. NO.

2314

Honolulu, Hawaii

FEB 12 2010

RE: S.B. No. 2745
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Public Safety and Military Affairs, to which was referred S.B. No. 2745 entitled:

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

begs leave to report as follows:

The purpose of this measure is to update the Uniform Controlled Substances Act.

Your Committee received testimony in support of this measure from the two government entities. Comments were received from one private entity. Testimony in opposition was received from one private entity. Written testimony presented to the Committee may be reviewed on the Legislature's website.

This measure makes statutory amendments to conform to the federal Controlled Substances Act, which is required annually by Hawaii law. Among other things, this measure also clarifies:

- (1) The order to show cause law to require that notice be provided when revoking or suspending a registrant's controlled substance registration certificate; and
- (2) The penalty relating to failure to transmit controlled substance prescriptions data to the Department of Public Safety (DPS) by deleting the requirement to purge the patient identification number data on all controlled substance prescriptions after three years, because maintaining the data beyond three years is necessary due



to administrative, civil, or regulatory investigations that last longer than three years.

To ensure consistency in the regulation and enforcement of controlled substances, the Federal Controlled Substances Act serves as the basis for classification of all controlled substances on a national level. Section 329-11(a), Hawaii Revised Statutes, requires the (DPS) to make appropriate revisions to update chapter 329, Hawaii Revised Statutes, relating to the Uniform Controlled Substances Act, to conform to changes in federal law.

Your Committee has amended this measure by:

- (1) Removing "salvinorin A", "salvia divinorum", and "divinorin A" from the list of hallucinogenic substances because these substances have not been placed on the schedule by the federal government;
- (2) Reinstating "intentional and reckless" in reference to the failure to transmit information to the Narcotics Enforcement Division, at the request of pharmacist who expressed concern that an inadvertent and unintentional omission could render them liable;
- (3) Reinstating the purging provision and extending the time to keep patients' identification number of the patient in the central repository system for up to five years instead of three, to facilitate administrative, civil, and regulatory investigations that last longer than three years; and
- (4) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Public Safety and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2745, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2745, 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 Public Safety and
Military Affairs,




WILL ESPERO, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:* SB 2745	Committee Referral: PSM, JED	Date: 2/4/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	X			
BUNDA, Robert (VC)	X			
ENGLISH, J. Kalani				X
GABBARD, Mike	X			
GALUTERIA, Brickwood	X			
KIDANI, Michelle N.	X			
HEMMINGS, Fred	X			
TOTAL	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes