

STAND. COM. REP. NO.

2610

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2745

S.D. 2

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

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 2745, S.D. 1, 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.

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) That the intentional or knowing failure to transmit any information required under the electronic prescriptions law may incur administrative fines.

Your Committee received written comments from the Department of Public Safety. Written comments presented to the Committee may be reviewed on the Legislature's website.

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

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Statutes, requires the Department of Public Safety 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) Reinserting the emergency scheduling of the Schedule I controlled substance Salvia divinorum and its constituent Salvinorin A, on the recommendation of the Department of Public Safety;
- (2) Clarifying the order to show cause process to delineate the procedures for admission to the allegation and contesting the allegation; and
- (3) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2745, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2745, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,

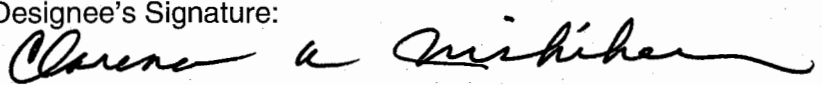


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2745, SD1	PSM, JGO	2/23/10		
<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
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)				✓
BUNDA, Robert				✓
GABBARD, Mike			✓	
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	3	-	1	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes