

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

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Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 1149
A BILL FOR AN ACT RELATING TO
CONTROLLED SUBSTANCES
Clayton A. Frank, Director
Department of Public Safety

Committee on Public Safety
Representative Faye P. Hanohano, Chair
Representative Henry J.C. Aquino, Vice Chair

Thursday, February 5, 2009, 5:00 PM
State Capitol, Room 309

Representative Hanohano and Members of the Committee:

The Department of Public Safety supports House Bill 1149 which 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 House Bill 1149 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. The department would like to correct a spelling error on page 2 line 12 to read as follows:

(R) Tincture of opium.

House Bill 1149 also proposes to amend section 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.

House Bill 1149 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. House Bill 1149 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.

House Bill 1149 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.

House Bill 1149 also proposes to amend section 329-52 relating to Administrative Inspections and Warrants of controlled substance registrants to make this section consistent with inspection procedures utilized by the Department of Health. The new language being proposed is similar to that used by State Food and Drug inspectors and would better allow the Department to safeguard the public. The requested deletion of the language 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.

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In summary the Department of Public Safety strongly supports passage of House Bill 1149 and would like to thank you for the opportunity to testify on this matter.



CHARMAINE TAVARES
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT COUNTY OF MAUI

55 MAHALANI STREET
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THOMAS M. PHILLIPS
CHIEF OF POLICE

GARY A. YABUTA
DEPUTY CHIEF OF POLICE

February 4, 2009

The Honorable Faye P. Hanohano, Chair
and Members of the Committee on Public Safety
House of Representatives
State Capitol
Honolulu, HI 96813

The Honorable John M. Mizuno, Chair
and Members of the Committee on Human Services
House of Representatives
State Capitol
Honolulu, HI 96813

The Honorable Ryan I. Yamane, Chair
and Members of the Committee on Health
House of Representatives
State Capitol
Honolulu, HI 96813

Dear Chairs Hanohano, Mizuno, Yamane and Members of the Committees:

SUBJECT: House Bill No. 1149, Relating to Controlled Substances

The purpose of this bill is to make Hawaii's controlled substance laws consistent with that of federal law and clarifies sections of chapter 329 relating to controlled substances.

The Maui County Police Department strongly supports House Bill No. 1149, which updates Hawaii's controlled substance laws to be consistent with federal laws and all the amendments to sections of Chapter 329 of the Hawaii Revised Statutes, as described in this bill.

The Honorable Faye P. Hanohano, Chair
The Honorable John M. Mizuno, Chair
The Honorable Ryan I. Yamane, Chair
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Thank you for the opportunity to testify.

Sincerely,



THOMAS M. PHILLIPS
Chief of Police

Testimony of
Phyllis Dendle
Director of Government Affairs

House Committee on Public Safety
The Honorable Faye P. Hanohano, Chair
The Honorable Henry J. C. Aquino, Vice Chair

February 5, 2009
5:00 PM
Conference Room 309

HB 1149 RELATING TO CONTROLLED SUBSTANCES

Chair Hanohano and committee members, thank you for this opportunity to provide testimony on HB 1149 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. The 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 Hoonee Place, Honolulu, Hawaii 96819

Representative Faye Hanohano, Chair
Representative Henry Aquino, Vice Chair
House Committee on Public Safety

Thursday, February 5, 2009; 5:00 p.m.
Conference Room 309

RE: HB 1149 – Relating to Controlled Substances

Chair Hanohano, Vice-Chair Aquino, and members of the Committee:

My name is Todd Inafuku with CVS Caremark Longs Drugs (“Longs”), testifying in support of HB 1149 which makes Hawaii's controlled substance laws consistent with that of Federal law and clarifies sections of chapter 329 relating to 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 HB 1149.

From: Bill Best [bestb002@hawaii.rr.com]
Sent: Wednesday, February 04, 2009 3:03 PM
To: PBStestimony
Subject: supporting bills HB1192, 1194,967,1191,1635,1149

Categories: Green Category

As a sufferer of chronic pain for whom no prescription or over-the-counter drugs work, I so appreciated when my doctor suggested that I get a registered with a patient ID certificate. I always felt grateful to live in this humane state of Hawaii. Anything I can do to help in keeping patients' right to use this benign drug, I'd be happy to. Science is on our side, and I am glad to see politicians representing the citizens on this rather than drug or alcohol lobbyists who want to demonize marijuana.

Mahalo for allowing me input.

Barbara Best
280 Hauoli Street
Wailuku, HI 96793