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LATE TESTIMONY

MEMORANDUM

**TO:** Senator Will Espero  
Chair, Senate Committee on Public Safety and Military Affairs  
Hawaii State Capitol, Room 207

**FROM:** Mihoko E. Ito

**DATE:** February 8, 2010

**RE:** **S.B. 2745- Relating to Controlled Substances**  
**Hearing: Wednesday, February 9, 2010 at 1:25 p.m., Room 229**

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Dear Chair Espero and Members of the Committee:

I am Mihoko Ito, an attorney with Goodsill Anderson Quinn & Stifel, testifying on behalf of Walgreen Co. (“Walgreens”). Walgreens operates and offers immunization services in all 50 states, the District of Columbia and Puerto Rico. In Hawai‘i, Walgreens now has 9 stores on the islands of Maui and Oahu.

Walgreens **submits comments** regarding S.B. 2745, which amends Hawai‘i’s controlled substances law.

Walgreens has concerns with the language on page 15, lines 1-7, which changes the standard for failure to transmit required information from “intentional or knowing failure,” to any failure to transmit such information. Walgreens believes that this language is overly broad, because it would result in a misdemeanor violation and immediate suspension of a pharmacy’s ability to dispense medications, even for inadvertent reporting errors (for example, due to interruptions in reporting, or time spent contacting patients to make error corrections).

Walgreens understands that this measure is supported by the Department of Public Safety, Narcotics Enforcement Division, and is willing to work with the Department on workable language that will mutually address the parties’ concerns.

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If the Committee is inclined to pass this measure, Walgreens respectfully requests that a defective effective date be inserted, so that the parties may have the opportunity for further discussion.

Thank you very much for the opportunity to testify.