

STAND. COM. REP. NO. 1173

Honolulu, Hawaii  
March 24, 2011

RE: S.B. No. 40  
S.D. 2  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 40,  
S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE,"

begs leave to report as follows:

The purpose of this bill is to further control  
pseudoephedrine by:

- (1) Reclassifying pseudoephedrine or any drug containing pseudoephedrine as a schedule V drug;
- (2) Requiring all drugs containing pseudoephedrine to be removed from public areas where over-the-counter drugs are sold;
- (3) Requiring psuedoephedrine to be dispensed only with a prescription, with certain exceptions, including limiting the quantities dispensed and documenting the dispensation; and
- (4) Repealing certain laws related to pseudoephedrine, as conforming amendments.

The City and County of Honolulu Department of the Prosecuting Attorney testified in support of this bill. The Department of Public Safety (PSD) supported the intent of this measure. The

SB40 HD1 HSCR HLT HMS 2011-3288



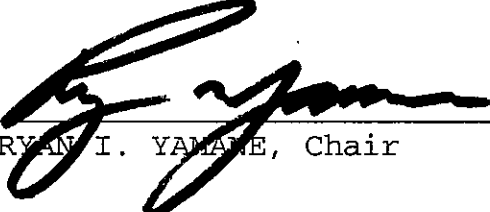
Drug Policy Forum of Hawai'i, Hawaii Food Industry Association, and a concerned individual opposed this bill. McKesson Corporation and Legislative Information Services of Hawaii provided comments.

Your Committee has amended this bill by:

- (1) Requiring PSD to expand its electronic drug dispensation tracking system and allowing one year for the system to be implemented;
- (2) Requiring PSD to report to the Legislature prior to the 2012 Regular Session on its progress in developing the tracking system;
- (3) Removing provisions limiting sales of pseudoephedrine to certain quantities, unless a prescription is obtained; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 40, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 40, S.D. 2, H.D. 1, and be referred to the Committees on Consumer Protection & Commerce and Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,



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RYAN I. YAMANE, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

HSCR 1173

**Record of Votes of the Committee on Health**

<b>Bill/Resolution No.:</b> SB 40, SDZ	<b>Committee Referral:</b> HLT, LPC/JUD	<b>Date:</b> 3/22/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)	✓			
2. MORIKAWA, Dee (VC)	✓			
3. BELATTI, Della Au				✓
4. HANOHANO, Faye P.		✓		
5. JORDAN, Jo	✓			
6. LEE, Chris				✓
7. MIZUNO, John M.	✓			
8. WOOLEY, Jessica	✓			
9. CHING, Corinne W.L.		✓		
10. PINE, Kymberly Marcos	✓			
<b>TOTAL (10)</b>	6	2		2
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
<b>Vice Chair's or designee's signature:</b> _____				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				