
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO EXEMPT
VETERINARIANS FROM THE REQUIREMENTS OF PART VIII OF CHAPTER
329, HAWAII REVISED STATUTES, PERTAINING TO THE ELECTRONIC
PRESCRIPTION ACCOUNTABILITY SYSTEM, THROUGH JULY 1, 2013.

1 WHEREAS, the Legislature finds that part VIII of chapter
2 329, Hawaii Revised Statutes, the Controlled Substances Act,
3 pertaining to the electronic prescription accountability system,
4 was enacted by Act 268, Session Laws of Hawaii 1996; and

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6 WHEREAS, the Legislature finds that section 329-101(a),
7 Hawaii Revised Statutes, requires the establishment of a
8 controlled substance electronic prescription accountability
9 system within six months of June 18, 1996; and

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11 WHEREAS, the Legislature finds that the Narcotics
12 Enforcement Division of the Department of Public Safety, the
13 agency designated by section 329-103, Hawaii Revised Statutes,
14 to oversee and administer the collection of information under
15 the electronic prescription accountability system, has never
16 required veterinarians to comply with the system until the
17 Division provided written notification to veterinarians in 2011
18 that compulsory reporting would commence on January 31, 2012;
19 and

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21 WHEREAS, the Legislature finds that veterinarians are
22 concerned about the impact that compliance with the electronic
23 prescription accountability system would have on their
24 practices, fiscal and otherwise; and

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26 WHEREAS, the Legislature finds that part VIII of chapter
27 329, Hawaii Revised Statutes, neither expressly requires
28 veterinarians to comply with its provisions nor expressly
29 exempts veterinarians from its provisions; and

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1 WHEREAS, the Legislature finds that section 23-200-17,
2 Hawaii Administrative Rules, which implements section 329-101,
3 Hawaii Revised Statutes, requires "[a]ll pharmacies" to transmit
4 controlled substance prescription data; and

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6 WHEREAS, the Legislature finds it reasonable to exempt
7 veterinarians from complying with part VIII of chapter 329,
8 Hawaii Revised Statutes, through July 1, 2013, to allow the
9 Department of Public Safety time in which to clarify whether
10 part VIII of chapter 329, Hawaii Revised Statutes, applies to
11 veterinarians, and if so, to what extent; now, therefore,

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13 BE IT RESOLVED by the House of Representatives of the
14 Twenty-sixth Legislature of the State of Hawaii, Regular Session
15 of 2012, the Senate concurring, that the Department of Public
16 Safety is requested to meet with the President and Executive
17 Board of the Hawaii Veterinary Medical Association to evaluate
18 the need for or application of the requirements of part VIII of
19 chapter 329, Hawaii Revised Statutes, before making a decision
20 regarding the application of prescription reporting for
21 veterinarians; and

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23 BE IT FURTHER RESOLVED that the Department of Public Safety
24 is requested to clarify whether part VIII of chapter 329, Hawaii
25 Revised Statutes, applies to veterinarians, and if so, to what
26 extent, and to issue a written decision and send copies of the
27 decision to the Governor, the President of the Senate, the
28 Speaker of the House of Representatives, the Director of
29 Commerce and Consumer Affairs; the Hawaii Veterinary Medical
30 Association, and all licensed veterinarians in the State, no
31 later than August 31, 2012; and

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33 BE IT FURTHER RESOLVED that the Department of Public Safety
34 is requested to exempt veterinarians from complying with the
35 requirements of part VIII of chapter 329, Hawaii Revised
36 Statutes, through July 1, 2013, in order to allow veterinarians
37 a reasonable amount of time to comply with Department of Public
38 Safety requirements; and

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40 BE IT FURTHER RESOLVED that the Department of Public Safety
41 is requested to submit proposed legislation in the Regular
42 Session of 2013, to clarify the requirements of part VIII of
43 chapter 329, Hawaii Revised Statutes, in accordance with its
44 decision; and




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2 BE IT FURTHER RESOLVED that certified copies of this
3 Concurrent Resolution be transmitted to the Governor; the
4 Director of Public Safety; the Deputy Director of the Narcotics
5 Enforcement Division of the Department of Public Safety; the
6 Director of Commerce and Consumer Affairs; the President of the
7 Hawaii Veterinary Medical Association; and all licensed
8 veterinarians in the State.
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OFFERED BY:



Guthrie Thelen



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