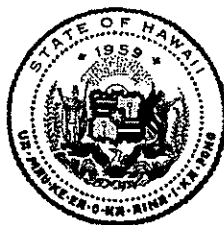


NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

TESTIMONY ON SENATE BILL 2228 SD2 HD1
A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE

by

Jodie F. Maesaka-Hirata, Director
Department of Public Safety

House Committee on Judiciary
Representative Gilbert S.C. Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair

Tuesday, April 3, 2012, 2:00 PM
State Capitol, Room 325

Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee:

The Department of Public Safety (PSD) supports the intent of Senate Bill 2228 SD2 HD1 that proposes to establish a tracking system for the sale of products containing pseudoephedrine as a base.

The Legislature passed Act 184 in 2008 that mandated that all retail distributors selling products, mixtures, or preparations containing pseudoephedrine must electronically report all retail sales data to the Narcotics Enforcement Division (NED) on a monthly basis. Pseudoephedrine control and tracking has been very successful in Hawaii in reducing the amount of clandestine laboratories manufacturing methamphetamine, commonly referred to as "ICE." NED formed a partnership with the Western States Information Network (WSIN/RISS) whose mission is to support law enforcement efforts

nationwide to combat illegal drug trafficking, identity theft, human trafficking, violent crime, terrorist activity, and to promote officer safety in Alaska, California, Hawaii, Oregon, Washington, as well as Canada and Guam to host the pseudoephedrine tracking database.

The electronic tracking log is an impressive first step for the State to attempt to track retail pseudoephedrine sales and decrease the production of methamphetamine (ICE). This tracking system has a few shortcomings, unlike Hawaii's electronic prescription monitoring program a system that reports all controlled substance prescription data monthly, the pseudoephedrine tracking program does not report information relating to persons purchasing just under the 3 grams per day or a 9 gram a month limits. Presently, most of the sales of pseudoephedrine containing products are sold at pharmacies and that many of the non-pharmacy retail distributors no longer carry pseudoephedrine containing products and are now selling over the counter "pseudoephedrine PE" products that cannot be utilized to manufacture methamphetamine.

The system being proposed by Senate Bill 2228 SD2 HD1 will greatly improve a retailer's ability to safely sell pseudoephedrine constraining products to its customers by having the ability to check a computerized database prior to making the sale.

The Department would like to point out that the success of the program proposed in Senate Bill 2228 SD2 HD1 will rest primarily on a third party entity, the National Association of Drug Diversion Investigators (NADDI), who will provide transaction reports and allow access to the National Precursor Log

SENATE BILL 2228 SD2 HD1
April 3, 2012
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Exchange to NED and retailers. If NADDI does not allow access or chooses not to allow the State to participate, then Senate Bill 2228 SD2 HD1 will not succeed.

Thank you for the opportunity to testify on this matter.



HAWAII FOOD INDUSTRY ASSOCIATION (HFIA)
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TO: COMMITTEE ON JUDICIARY
Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair

DATE: Tuesday, April 03, 2012
TIME: 2:00 PM
PLACE: Conference Room 325

FROM: Hawaii Food Industry Association - Lauren Zirbel, Executive Director

RE: SB 2228 RELATING TO PSEUDOEPHEDRINE

Chairs & Committee Members:

HFIA supports this measure because it provides an up to date, real – time tracking system that will help ensure that pseudoephedrine products are not illegally sold.-

E-logs provide real-time approval or denial of PSE purchases at the point-of-sale, creating no access barriers for the 18 million American households that purchase non-prescription cold and allergy medicines to treat their symptoms.

E-logs enable law enforcement to track real-time activity and search histories, thus identifying “smurfing” operations and labs that might otherwise go undetected. 20 states have enacted laws that require electronic tracking of PSE sales: Kentucky, Illinois, Louisiana, Iowa, Missouri, Florida, Alabama, S. Carolina, Kansas, Washington, N. Dakota, Nebraska, Indiana, Tennessee, N. Carolina, Michigan, Texas, Oklahoma, Virginia and Arkansas. Nationwide, the NPLeX system blocked over 850,000 boxes, accounting for over 2 million grams of pseudoephedrine in 2011 alone.

A prescription-only policy would fail to limit PSE sales, curb meth use, or enable meth lab detection. In fact, Oregon (a prescription only state) had more meth related deaths in 2010 than they did prior to their Rx law passage. And Mississippi, another Rx state, ranked 10th in the country in meth labs just last year – more than Texas, Florida, New York, and California!

Federal law currently limits all PSE-containing OTCs to behind the counter, with sales per customer of no more than 3.6 grams per day and 9 grams per 30 days, and requires purchasers to show ID and sign a logbook.

Electronic tracking allows retailers to block illegal sales and enhances law enforcement's suppression and investigative efforts. **Establishing a multistate electronic tracking system for medicines that contain PSE will prevent smurfing across different retailers, even across state lines, and provide a highly efficient law enforcement tool. At the same time, it will create no new barriers for the millions of cold and allergy sufferers looking for relief.**

Thank you for the opportunity to provide this testimony.



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April 3, 2012

To: House Committee on Judiciary
Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair

By: Richard C. Botti
On Behalf of LISH

Re: SB 2228, SD2, HD1 Relating to Pseudoephedrine

Chairs & Committee Members:

This Bill should be passed for the following reasons:

- **It won't cost the State** to implement, as industry has stepped up to show they want to be a part of the solution;
- **It won't punish the tens of thousands of consumers** who made the right choice to purchase pseudoephedrine products for their intended purpose rather than for illegal purposes;
- **It won't punish consumers by requiring them to pay the co-fee** for a doctor's visit, and a co-fee for a prescription;
- **It will join over twenty other States in sharing information** in real-time on pseudoephedrine purchases made or attempted to be made, stifling those that decided to make the wrong choice on why to purchase cold and allergy medications;
- **It will allow law enforcement to spend more time** on addressing the illegal importation of crystal meth products;
- **It will support both Hawaii residents and visiting tourists** who need cold and/or allergy products on weekends, holidays, evenings, and those in rural areas who may not otherwise have access to the products they need.

This Legislature did pass this Bill last year, but because of a flaw in the title, the Governor had no choice but to veto the measure, making this an important unfinished business issue this Session.