

SB2228 SD1

Measure Title: RELATING TO PSEUDOEPHEDRINE.

Report Title: Pseudoephedrine; Tracking

Description: Establishes an electronic tracking system for the sale of products containing pseudoephedrine base beginning 1/1/13. Requires the department of public safety narcotics enforcement division to implement the electronic tracking system in conjunction with the existing narcotics tracking system no later than 1/1/15. (SD1)

Companion: HB1962

Package: None

Current Referral: HTH, CPN

Introducer(s): GREEN, CHUN OAKLAND

<u>Sort by Date</u>		Status Text
1/20/2012	S	Introduced.
1/20/2012	S	Passed First Reading.
1/23/2012	S	Referred to HTH, CPN.
2/7/2012	S	The committee(s) on HTH has scheduled a public hearing on 02-13-12 1:15PM in conference room 229.
2/13/2012	S	The committee(s) on HTH deferred the measure until 02-15-12 4:00PM in conference room 229.
2/15/2012	S	The committee(s) on HTH recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in HTH were as follows: 6 Aye(s): Senator(s) Green, Nishihara, Baker, Chun Oakland, Shimabukuro, Wakai; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Slom.
2/17/2012	S	Reported from HTH (Stand. Com. Rep. No. 2357) with recommendation of passage on Second Reading, as amended (SD 1) and referral to CPN.
2/17/2012	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to CPN.
2/21/2012	S	The committee(s) on CPN will hold a public decision making on 02-24-12 9:00AM in conference room 229.



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February 24, 2012

To: Senate Committee on Commerce & Consumer Protection
Senator Rosalyn H. Baker, Chair
Senator Brian T. Taniguchi, Vice Chair

By: Richard C. Botti
On Behalf of LISH

Re: SB 2228 Establishing a tracking system for Pseudoephedrine products.

Chairs & Committee Members:

We support SB 2228, SD1

While it may make sense to those closely related to the meth problem, it doesn't make sense to those that are law abiding citizens that have an immediate problem with their cold, flu, and/or allergy, and know what the solution is to their problem.

Before thinking about punishing the tens of thousands of law abiding citizens who made the choice not to go down the crystal meth path, we need to allow electronic tracking in real time a chance to work, because:

- It is working in other jurisdictions;
- It is not going to cost the state additional funding;
- It will provide law enforcement with something they do not now have; and
- It does not punish those of us who made the right choices, and will not substantially increase the cost of having to see a Dr. for medication we now obtain with minimal inconvenience.

E-tracking is a "real-time" system that allows the retailer to refuse an illegal sale, based on purchases made anywhere in Hawaii, or any other state participating in the program.



HAWAII FOOD INDUSTRY ASSOCIATION (HFIA)

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DATE: Friday, February, 24, 2012

TIME: 9:00AM

PLACE: Conference Room 229

To: COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Senator Rosalyn H. Baker, Chair
Senator Brian T. Taniguchi, Vice Chair

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. 19 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, 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.