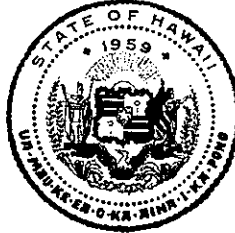


**LATE
TESTIMONY**

SB2474

**HTH, CPN
Committee Hearing
02/13/2012**

NEIL ABERCROMBIE
GOVERNOR



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DEPARTMENT OF PUBLIC SAFETY
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No. _____

**TESTIMONY ON SENATE BILL 2474
A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE**

by

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

Senate Committee on Health
Senator Josh Green M.D., Chair
Senator Clarence K. Nishihara, Vice Chair

Monday, February 13, 2012, 1:15 PM
State Capitol, Conference Room 229

Chair Green, Vice Chair Nishihara, and Members of the Committee:

The Department of Public Safety (PSD) supports Senate Bill 2474 that proposes to make pseudoephedrine and pseudoephedrine containing products a Schedule V controlled substance.

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.

PSD would like to recommend an amendment to Senate Bill 2474 Section 2, page 3 lines 5 through 11 to read as follows:

"(c) Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system[, including its salts, isomers, and salts of isomers.] **that contain Pseudoephedrine its salts, optical isomers, and salts of optical isomers as the only active ingredient, or in combination with other active ingredients.**

Notwithstanding any other law to the contrary, a pharmacist may dispense to a person without a prescription not more than 3.6 grams per day and not more than 9 grams in a 30-day period without regard to the number of transactions, of any product, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts, optical isomers, or salts of optical isomers, except that this limit shall not apply to any quantity of such product, mixture, or preparation dispensed pursuant to a valid prescription. All transactions shall be reported on the Department's Electronic Prescription Accountability System in accordance with Chapter 329, Part VIII."

PSD finds that Section 3 of Senate Bill 2474 is unnecessary and request that it be deleted from the bill. If Pseudoephedrine is made a schedule V controlled substance, all dispensers of the drug are mandated to electronically report all dispensations through the department's electronic prescription accountability system delineated under Chapter 329, Part VIII, Hawaii Revised Statutes.

PSD is recommending that subsection 4 of Section 329-64(a) on page 9 lines 14 through 22 be deleted. This would delete the exemption for the sale of over the counter pseudoephedrine and pseudoephedrine containing products.

PSD is also recommending that Senate Bill 2474 repeal Sections 329-73 Pseudoephedrine permit, 329-74 Unlawful transport of pseudoephedrine and 392-75 Sales of products, mixtures, or preparations containing pseudoephedrine; reporting requirement for wholesalers. All of these sections will not be necessary if pseudoephedrine is made a schedule V controlled substance.

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Senate Bill 2474 enacted would allow pharmacies to report all sales on Hawaii's electronic prescription monitoring program, saving on the reporting of data on two separate systems as well as allow the Narcotics Enforcement Division the ability to track the dispensing of this controlled substance.

For these reasons the Department supports passage of Senate Bill 2474 with the proposed amendments.

Thank you for the opportunity to testify on this matter.