

TESTIMONY

SB2820

HTH Committee Hearing 2/01/2012

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Senate Committee on Health

S.B. 2820, Hawaii Advisory Commission on Drug Abuse and Controlled Substances

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health

February 1, 2012

1 **Department's Position:** The Department of Health (DOH) strongly supports enactment of this
2 Administration proposal as introduced.

3 **Fiscal Implications:** None.

4 **Purpose and Justification:** This proposal amends duties and responsibilities of the Hawaii Advisory
5 Commission on Drug Abuse and Controlled Substances (HACDACS) to provide for more focused
6 attention in addressing the issue of substance abuse as a public health issue by amending Section 329-4,
7 Hawaii Revised Statutes (HRS).

8 As the advisory body that is administratively assigned to the Alcohol and Drug Abuse Division,
9 HACDACS provides community perspectives in the Department of Health (DOH) planning and
10 implementation of substance abuse prevention and treatment services specified in Chapter 321, HRS.

11 When the Department of Public Safety (PSD) was created, responsibility for the registration and
12 control of the manufacture, distribution, prescription and dispensing of controlled substances and
13 precursor or essential chemicals was transferred from the DOH to PSD. Amendments in this
14 "housekeeping" measure will more closely align the duties of the Commission with the core functions of
15 public health: assessment (i.e., monitoring trends and needs), policy development on public health

1 issues, and assurance of appropriate public health services. The scheduling of controlled substances
2 under Part II of Chapter 329, HRS, is a function performed by the Narcotics Enforcement Division
3 within the Department of Public Safety based on guidance from the U.S. Food and Drug Administration
4 and Drug Enforcement Administration.

5 The proposed statutory amendments will not diminish the Commission's role of advising the
6 Department of Health, the Governor and the Legislature on substance abuse related issues and concerns.
7 In addition, the composition and number of members on the Commission will remain unchanged as will
8 the broad-based representation of the community.

9 The Department respectfully recommends passage of this measure as introduced.

10 Thank you for the opportunity to testify on this measure.

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NEIL ABERGROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
HAWAII ADVISORY COMMISSION ON
DRUG ABUSE AND CONTROLLED SUBSTANCES
KAKUIHEWA BUILDING
601 Kamohila Boulevard, Room 360
Kapolei, Hawaii 96707
PH: (808) 692-7505
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Honorable Josh Green
Chair, DOH/DAC

February 1, 2012

CHAIRPERSON

Joseph L. S. Noh

The Honorable Josh Green
Chairperson, Senate Committee on Health
State Capitol, Room 222
Honolulu, Hawaii 96813

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Suzen M. Shiraki, Ph.D.

Dear Senator Green:

On December 22, 2011, members of the Hawaii Advisory Commission on Drug Abuse and Controlled Substances (HACDACS) voted to strongly support passage of the Administration proposal (H.B. 2558 / S.B. 2820) to amend the duties of the Commission.

The issue of substance abuse encompasses a broad range of prevention, treatment and enforcement related concerns. Appointees to the Commission represent a cross-section of the community, including but not limited to pharmacological, medical, community and business affairs, youth action, education, legal defense, enforcement and corrections segments of the community.

EX-OFFICIO:

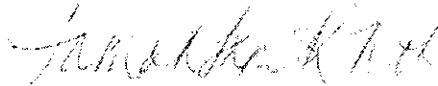
Lynn S. Fialta
Deputy Director for Behavioral
Health Administration

Currently, HACDACS is charged with providing community perspectives to the Department of Health (DOH) planning and implementation of substance abuse prevention and treatment services specified in Chapter 321, Hawaii Revised Statutes (HRS), and providing recommendations to the Department of Public Safety (PSD) on the scheduling of controlled substances under Part II of Chapter 329, HRS. When the Department of Public Safety was created, however, responsibility for the registration and control of the manufacture, distribution, prescription, and dispensing of controlled substances and precursor or essential chemicals was transferred from DOH to PSD. The deletion of duties relating to the scheduling of controlled substances will more closely align the Commission duties with its placement within DOH.

The Honorable Josh Green
February 1 2012
Page 2

The proposed amendments do not affect the composition or number of members on the Commission and will provide for more focused attention in addressing the issue of substance abuse as a public health issue. We respectfully recommend passage of this measure as introduced

Sincerely,



TAMAH-LANI S.K. NOH
Chairperson

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Blvd. 4th Floor
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JODIE F. MAESAKA-HIRATA
DIRECTOR

MARTHA TORNEY
Deputy Director of
Administration

JOE W. BOOKER, JR.
Deputy Director
Corrections

KEITH KAMITA
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 2820
A BILL FOR AN ACT RELATING TO HAWAII ADVISORY
COMMISSION ON DRUG ABUSE AND CONTROLLED SUBSTANCES

By

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

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

Tuesday, February 1, 2012, 2:45 PM
State Capitol, Room 229

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

The Department of Public Safety (PSD) supports Senate Bill 2820 that amends statutory provisions of the Hawaii Advisory Commission on Drug Abuse and Controlled Substances to provide for more focused attention in addressing the issue of substance abuse as a public health issue. The amendments to Section 329-4 HRS would clearly separate the duties of the Department's Narcotics Enforcement Division to maintain and conduct scheduling actions to Hawaii's Uniform Controlled Substance Act, while allowing the Department of Health's Hawaii Advisory Commission on Drug Abuse and Controlled Substances to focus on coordinating community programs relating to the prevention of drug abuse.

Section 329-4 was originally written when the Department's Narcotics Enforcement Division was a part of the Department of Health, this changed in 1989, when the Division was transferred to the Attorney General and subsequently transferred to the Department of Public Safety in 1990, without any amendments to this section. PSD supports the amendments being proposed in SB 2820 as it will better describe the current function of the Department of Health's Hawaii Advisory Commission on Drug Abuse and Controlled Substances.

Thank you for the opportunity to testify on this matter.

Testimony for HTH 2/1/2012 2:45:00 PM SB2820

Conference room: 229

Testifier position: Support

Testifier will be present: No

Submitted by: Brenda Kosky

Organization: Consumer Family & Youth Alliance

E-mail: Brenda.Kosky@gmail.com

Submitted on: 1/29/2012

Comments:

Testimony for HTH 2/1/2012 2:45:00 PM SB2820

Conference room: 229

Testifier position: Support

Testifier will be present: Yes

Submitted by: Scott Wall

Organization: Individual

E-mail: robertscottwall@yahoo.com

Submitted on: 1/29/2012

Comments:

Senator Josh Green, M.D., Chair
Committee on Health
Wednesday, February 1, 2012 at 2:45 p.m.
Conference Room 229
State Capitol
415 South Beretania Street

Re: S.B. NO. 2820 – Relating to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances

Dear Senator Josh Green and Members of the Committee:

My name is Traci Millard and I am a second year MSW student. I have a BS in Community Health Education and have worked in social services in Maui for four years. I am testifying in support of bill S.B. NO. 2820 relating to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances (HACDACS).

I feel it is necessary to amend the duties and responsibilities of the HACDACS to provide for more focused attention in addressing the issues of substance abuse as a public health issue because substance abuse is a prevalent problem in Hawaii. Drug abuse is a serious public health issue that negatively impacts families as well as communities. Drug abuse contributes to many medical problems such as cancer, liver cirrhosis, Hepatitis C, and heart disease dramatically increasing health care costs. Due to Maui County's increasing drug epidemic crimes such as child abuse and neglect, domestic violence, burglary, automotive theft, and assault have increased. Action programs specifically focused on the problem of substance abuse is greatly needed on the island of Maui to reduce and prevent substance abuse / substance abuse related issues. By providing Hawaii's elementary and middle schools with effective drug prevention programs we can help break the cycle of addiction. Living on Maui I see many individuals struggling with substance abuse issues and the adverse effects it has on families and the community. I have seen families destroyed because parents are unable to quit using drugs and end up in prison. I know individuals who are now homeless because they cannot stop using and individuals that have participated in drug treatment programs numerous times, but have not been successful.

Hawaii is in need of effective drug prevention programs that provide educational information on controlled substances as education is an important point of intervention to prevent substance abuse. It is crucial for the commission to increase public awareness of the severity of Hawaii's substance abuse problems and the health-risks of drug abuse. Through effective drug prevention programs and by raising public awareness Hawaii's substance abuse problem can be alleviated. In addition, the health and safety of Hawaii's families and communities will improve.

Therefore, I strongly support this bill (S.B. NO. 2820) because I feel the changes to HACDACS will strengthen this organization's ability to coordinate community-based services and drug education programs in schools throughout Hawaii to prevent and reduce substance abuse. I also feel that these revisions will strengthen this organization's ability to raise public awareness and understanding of the problems of substance abuse.

Thank you for the opportunity to comment on this bill.

Traci Millard, Maui, HI



the
**Drug Policy
Forum**
of hawaii

Dedicated to safe, responsible, humane and effective drug policies since 1993

Wednesday, February 1, 2012

To: Senator Josh Green, Chair
Senator Clarence Nishihara, Vice Chair and
Members of the Committee on Health

From: Jeanne Y. Ohta

RE: SB 2820 Relating to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances
Hearing: Wednesday, February 1, 2012, 2:45 p.m., Room 229

Position: Opposed

The Drug Policy Forum of Hawai'i writes in opposition to changing the role of the Hawaii Advisory Commission on Drug Abuse and Controlled Substances as proposed in SB 2820. The adoption of this measure would make scheduling of drugs a law enforcement matter. It should not be.

Scheduling of controlled substances in Hawai'i should not entirely be a law enforcement responsibility. Science and health related data and information is needed before substances are scheduled, for example: *HRS§329-11, the Department of Public Safety shall assess the degree of danger or probable danger of the substance by considering the following: A) Its history and current pattern of abuse; B) The scope, duration, and significance of abuse; and C) A judgment of the degree of actual or probable detriment that may result from the abuse of the substance.*

The information required above is not merely law enforcement information, it is also medical in nature, and the Department of Health should share the responsibility of providing the necessary information. The commission was designed to be the vehicle for its provision. If the commission has not been fulfilling its responsibilities, they should do so going forward.

Leaving something as important as which drugs should be scheduled and into which schedule should not be left to an agency whose sole purpose is law enforcement. We should have checks and balances and there should be sufficient discussion prior to scheduling substances.

Thank you for this opportunity to provide comments.