

Honolulu, Hawaii

FEB 28 2013

RE: S.B. No. 1180

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 1180 entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY SCHEDULING OF
CONTROLLED SUBSTANCES,"

begs leave to report as follows:

The purpose and intent of this measure is to require the
Department of Public Safety to:

- (1) Make certain considerations when determining whether a
substance should be emergency scheduled; and
- (2) Post a public notice at the State Capitol, in the Office
of the Lieutenant Governor, and on the Department's
website thirty days prior to the effective date of any
emergency scheduling of a substance.

Your Committee received testimony in support of this measure
from the Department of Public Safety and Department of the
Attorney General.

Your Committee finds that section 329-11(e), Hawaii Revised
Statutes, permits the Administrator of the Narcotics Enforcement
Division of the Department of Public Safety (NED) to place new
drugs into the controlled substances schedules on an emergency
basis but does not presently contain clear notice provisions. The
emergency scheduling provision is important because it allows law
enforcement to combat new "designer" drugs that are constantly

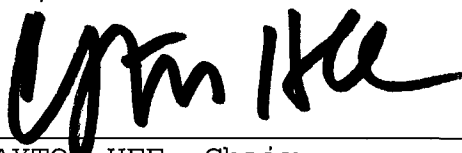


being created in order to skirt the Uniform Controlled Substances Act.

This measure will require the NED Administrator to provide thirty days' notice to the public before emergency scheduling goes into effect and clarify where notice is to be posted. The measure also clarifies which factors the Administrator must consider in determining whether to add certain drugs to the controlled substance schedules via the emergency scheduling process. These amendments are necessary to address legal requirements of notice, due process, and delegation powers.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1180 and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



