



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SEVENTH LEGISLATURE, 2013**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 1180, RELATING TO EMERGENCY SCHEDULING OF CONTROLLED SUBSTANCES.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY AND LABOR

**DATE:** Friday, February 22, 2013 **TIME:** 11:30 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Richard W. Stacey, Deputy Attorney General

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Chair Hee and Members of the Committee:

The Department of the Attorney General strongly supports this bill.

The bill addresses notice requirements for provisions set forth in section 329-11, Hawaii Revised Statutes, (HRS). Section 329-11(a), HRS, clearly indicates what notice is required for regular annual changes to the controlled substance schedules in chapter 329, HRS. Section 329-11(e), HRS, which allows the administrator of the Narcotics Enforcement Division (NED) to place new drugs into the controlled substances schedules on an emergency basis, 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 current controlled substance laws.

These amendments will require the NED administrator to provide thirty (30) days notice to the public before emergency scheduling goes into effect, and clarify where notice is to be posted. Further, the bill clarifies what factors the administrator must consider in adding 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 of powers.

We respectfully request that this bill be passed.