

# **SB 1180**

**Report Title:**

RELATING TO EMERGENCY SCHEDULING OF CONTROLLED  
SUBSTANCES

**Measure Title:**

Requires the Department of Public Safety to post a public notice thirty days prior to the effective date of the emergency scheduling action, at the State Capitol, in the Office of the Lieutenant Governor, and on the department's website for public inspection.

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Blvd. 4<sup>th</sup> Floor  
Honolulu, Hawaii 96813

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Deputy Director  
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KEITH KAMITA  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 1180  
A BILL FOR AN ACT RELATING TO  
EMERGENCY SCHEDULING OF CONTROLLED SUBSTANCES

By  
Ted Sakai, Interim Director  
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Senator Will Espero, Chair  
Senator Rosalyn H. Baker, Vice Chair

Thursday, February 7, 2013, 3:00 PM  
State Capitol, Room 224

Chair Espero, Vice Chair Baker, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill 1180 which proposes amendments to Section 329-11(e), HRS, Authority to schedule controlled substances to require that the Department add into statute language giving a period of public notice before the emergency scheduling of a controlled substances goes into effect, and to clarify what notice is required, and where the notice would be posted.

In the past, when the Department has emergency scheduled a substance, it has given notice by posting public notice at the State Capitol and in the Office of the Lieutenant Governor for public inspection. The Department also posted public notice on its website for public inspection. Senate Bill 1180 amends Section 329-11(e), HRS, to describe what the Department's current practice is relating to posting public notice as well as require that the notice be posted 30 days prior to the effective date of the emergency scheduling to give retailers and distributors ample notice.

Thank you for the opportunity to testify on this matter.



**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 PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

**DATE:** Thursday, February 7, 2013 **TIME:** 3:00 p.m.

**LOCATION:** State Capitol, Room 224

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

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Chair Espero 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.