

Honolulu, Hawaii

FEB 13 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 Public Safety, Intergovernmental and
Military Affairs, 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 the 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 notices 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 Public Safety, Intergovernmental and Military Affairs 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 Second Reading and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental and Military
Affairs,



WILL ESPERO, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:* SB 1180	Committee Referral: PSM, JDL	Date: 2/1/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
BAKER, Rosalyn H. (VC)				✓
GALUTERIA, Brickwood	✓			
GREEN, Josh	✓			
SLOM, Sam	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes