

Honolulu, Hawaii

FEB 15 2013

RE: S.B. No. 972

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

Madam:

Your Committees on Health and Technology and the Arts, to which was referred S.B. No. 972 entitled:

"A BILL FOR AN ACT RELATING TO ELECTRONIC PRESCRIPTIONS,"

beg leave to report as follows:

The purpose and intent of this measure is to amend the Uniform Controlled Substances Act in chapter 329, Hawaii Revised Statutes, by:

- (1) Adding definitions consistent with federal law;
- (2) Clarifying the conditions for electronic transmittal of prescriptions; and
- (3) Adding and clarifying violations of prohibited acts.

Your Committees received testimony in support of this measure from Kaiser Permanente Hawaii and CVS Caremark. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that on March 31, 2010, the Drug Enforcement Administration published in the Federal Register its rule "Electronic Prescriptions for Controlled Substances", which became effective on June 1, 2010, and which revises the Drug Enforcement Administration's regulations to provide practitioners with the option of writing prescriptions for controlled substances electronically. The regulations also permit pharmacies to receive, dispense, and archive these electronic prescriptions for

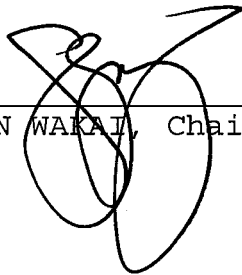


controlled substances. These new regulations do not mandate that practitioners prescribe controlled substances using only electronic prescriptions, nor do these new regulations require pharmacies to accept only electronic prescriptions for controlled substances for dispensing. The use of electronic prescriptions for controlled substances is voluntary on the part of the practitioners and pharmacies. Electronic prescriptions for controlled substances may be conveyed electronically; provided that the electronic prescription and the pharmacy application meet the Drug Enforcement Administration's and state's requirements.

Your Committees further find that by allowing practitioners to electronically prescribe controlled substances and to convey the prescription directly to the pharmacy of the patient's choice, it will provide practitioners with a safer, more secure, and more timely means to prescribe controlled substances in addition to the conventional means of prescribing controlled substances.

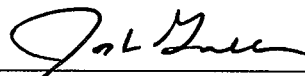
As affirmed by the records of votes of the members of your Committees on Health and Technology and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 972 and recommend that it pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

Respectfully submitted on  
behalf of the members of the  
Committees on Health and  
Technology and the Arts,



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GLENN WAKAI, Chair



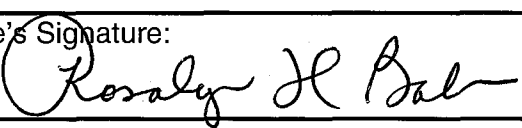
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JOSH GREEN, Chair



The Senate  
Twenty-Seventh Legislature  
State of Hawai'i


**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:* <b>SB 972</b>	Committee Referral: <b>HTH/TEC, CPN</b>	Date: <b>02/11/2013</b>		
<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
GREEN, Josh (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>5</b>	—	—	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original      Yellow      Pink      Goldenrod File with Committee Report      Clerk's Office      Drafting Agency      Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Technology and the Arts**  
**TEC**

Bill / Resolution No.:*	Committee Referral:	Date:
SB 972	HTH/TEC, CPN	2/12/13
<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	
WAKAI, Glenn (C)	/	
NISHIHARA, Clarence K. (VC)	/	
GABBARD, Mike	/	
TOKUDA, Jill N.	/	
SLOM, Sam		/
<b>TOTAL</b>	4	0
Nay	0	1
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
Goldenrod Committee File Copy		

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