

STAND. COM. REP. NO. 2361

Honolulu, Hawaii

FEB 18 2016

RE: S.B. No. 2392
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Judiciary and Labor, to which was referred S.B. No. 2392 entitled:

"A BILL FOR AN ACT RELATING TO OPIOID ANTAGONISTS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Create immunity for certain individuals who prescribe, possess, dispense, or administer an opioid antagonist such as naloxone hydrochloride during an opioid-related drug overdose;
- (2) Authorize emergency personnel to administer opioid antagonists as clinically indicated;
- (3) Require Medicaid coverage for naloxone hydrochloride;
- (4) Exempt pharmacists and pharmacies from licensure and permitting requirements, except for drug storage requirements, for storing and distributing opioid antagonists; and
- (5) Make an appropriation for drug overdose recognition, prevention, and response, including the distribution and administration of naloxone hydrochloride.



Your Committees received testimony in support of this measure from the Department of Health, Hawaii College of Emergency Physicians, Hawaii Community Pharmacists Association, Hawaii Medical Association, Hawaii Substance Abuse Coalition, The Drug Policy Forum of Hawai'i, Hawaii Medical Association (HMSA), The CHOW Project, The Salvation Army Addiction Treatment Services and Family Treatment Services, Kū Aloha Ola Mau, The Drug Policy Action Group, State Narcotic Policy Steering Working Group, and twenty-four individuals. Your Committees received comments on this measure from the Department of Human Services; Department of the Attorney General; Honolulu Emergency Services Department, Emergency Medical Services Division; and Board of Pharmacy.

Your Committees find that according to the Centers for Disease Control and Prevention, overdoses involving prescription painkillers are at epidemic levels. However, deaths caused by opioids are often preventable via timely administration of an opioid antagonist, such as naloxone hydrochloride. Studies have found that providing opioid overdose training and naloxone kits can help people identify signs of an opioid-related drug overdose and can help reduce opioid overdose mortality.

Your Committees further find that over half of the states in the country have enacted some form of a 911 drug immunity law or have implemented a law or developed a pilot program to allow administration of medication, like naloxone hydrochloride, to reverse the effects of an opiate-related overdose. Numerous state and national organizations also support increased access to naloxone.

Your Committees have amended this measure by:

- (1) Substituting references to "naloxone hydrochloride" with "opioid antagonist";
- (2) Inserting definitions for "harm reduction organization", "pharmacist", and "standing order";
- (3) Amending the definition of "opioid antagonist";
- (4) Amending language that allows a health care professional authorized to prescribe an opioid antagonist to prescribe, dispense, and distribute an opioid antagonist to a harm reduction organization;



- (5) Inserting language to allow a pharmacist who prescribes, dispenses, or distributes an opioid antagonist in good faith to not be subject to any criminal or civil liability or any professional disciplinary action;
- (6) Inserting language that authorizes all law enforcement officers, firefighters, and lifeguards to administer an opioid antagonist as clinically indicated and under certain circumstances;
- (7) Inserting language that provides immunity for emergency medical technicians, law enforcement officers, firefighters, and lifeguards who, acting in good faith and with reasonable care, administer an opioid antagonist to another person under certain conditions from criminal prosecution, professional licensing sanctions, and civil liability;
- (8) Deleting language that would have provided exemptions for prescription orders of naloxone hydrochloride from certain license requirements and permit requirements;
- (9) Clarifying that certain persons and harm reduction organizations acting under a standing order may store an opioid antagonist and may distribute an opioid antagonist; provided that the distribution is without charge or compensation;
- (10) Requiring the Department of Health to work with community partners on drug overdose recognition, prevention, and response;
- (11) Including volunteer firefighters and lifeguards under emergency services and law enforcement personnel who shall receive education and training on drug overdose response and treatment;
- (12) Deleting language that would have appropriated an unspecified amount for drug overdose recognition, prevention, and response;
- (13) Amending the definition of "practice of pharmacy" to include dispensing an opioid antagonist under certain conditions; and




- (14) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2392, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2392, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Commerce,
Consumer Protection, and Health
and Judiciary and Labor,



GILBERT S.C. KEITH-AGARAN, Chair



ROSALYN H. BAKER, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

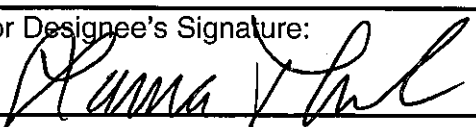
Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2392	CPH/JDL, WAM	2-12-16		
<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 type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Recommit <small>2312 2311 2310 2313</small>				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
KIDANI, Michelle N. (VC)	/			
ESPERO, Will				/
IHARA, Jr., Les	//			
NISHIHARA, Clarence K.	//			
RUDERMAN, Russell E.				/
SLOM, Sam	/			
TOTAL	5			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Michelle N. Kidani</i>				
Distribution:				
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*Only one measure per Record of Votes

The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2392	Committee Referral: CPH/JDL, WAM	Date: 2/12/16		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)				/
GABBARD, Mike	/			
KIM, Donna Mercado	/			
THIELEN, Laura H.	/			
SLOM, Sam	/			
TOTAL	5	/	/	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				

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