

Honolulu, Hawaii

MAR 06 2015

RE: S.B. No. 807  
S.D. 2

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 807, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to decrease prescription drug abuse and misuse by further educating practitioners who prescribe narcotic drugs.

More specifically, this measure establishes:

- (1) A narcotics advisory committee to recommend acceptable continuing medical education program topics and curriculum to the Narcotics Enforcement Division of the Public Safety Department; and
- (2) Requirements for a mandatory continuing medical education program for practitioners who prescribe drugs.

Your Committee received written comments in support of this measure from the Department of Public Safety, Hawaii Substance Abuse Coalition, and one individual. Your Committee received written comments on this measure from the Department of Health.

Your Committee finds that education for practitioners is an essential component to reducing incidents of prescription drug abuse and misuse. Your Committee further finds that continuing education on the safe prescribing of narcotics should be required



to maintain the certification necessary to prescribe controlled substances.

However, your Committee notes that the measure attempts to establish state specified conditions for renewal of a federal license issued by the Drug Enforcement Administration. Imposing continuing education requirements in this fashion may violate the supremacy clause in Article VI of the United States Constitution. Accordingly, your Committee has amended this measure by:

- (1) Clarifying that required state continuing education credits are necessary to maintain the state controlled substance registration certificate, rather than the federal Drug Enforcement Administration license;
- (2) Incorporating the credit requirements into the controlled substance registration certification process via the Department of Public Safety's registration renewal website, rather than the federal Drug Enforcement Administration's registration renewal website;
- (3) Changing the term of service for an advisory committee member from an unspecified number of years to four years; and
- (4) Specifying that advisory committee members shall serve without compensation but shall be reimbursed for expenses.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 807, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 807, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,



---

JILL N. TOKUDA, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:
<i>SB 807 SD1</i>	<i>H/H/PSM, WAM</i>	<i>3/2/15</i>

The Committee is reconsidering its previous decision on this measure.  
If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312      Pass, with amendments 2311      Hold 2310      Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
KOUCHI, Ronald D. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.				✓
ENGLISH, J. Kalani	✓			
GALUTERIA, Brickwood	✓			
HARIMOTO, Breene	✓			
INOUYE, Lorraine R.	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<i>10</i>	<i>0</i>	<i>0</i>	<i>1</i>

Recommendation:  Adopted      Not Adopted

Chair's or Designee's Signature: *Mike D. ...*

**Distribution:**     Original     Yellow     Pink     Goldenrod  
File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy