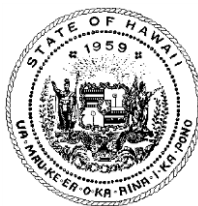


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TESTIMONY ON SENATE BILL 2915, SENATE DRAFT 1  
RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT

By  
Nolan P. Espinda, Director

Senate Committee on Judiciary and Labor  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

Senate Committee on Ways and Means  
Senator Jill N. Tokuda, Chair  
Senator Donovan M. Dela Cruz, Vice Chair

Wednesday, February 24, 2016; 10:00 a.m.  
State Capitol, Conference Room 211

Chairs Keith-Agaran and Tokuda, Vice Chairs Shimabukuro and Dela Cruz, and Members of the Committee:

The Department of Public Safety (PSD) **strongly supports** Senate Bill (SB) 2915, Senate Draft (SD) 1, and would like to offer the following comments.

PSD's Narcotics Enforcement Division (NED) has concerns about drugs classified as controlled substances intended for use in the treatment of animals which may be obtained from a veterinarian and consumed by humans, such as Ketamine or "Special K", sometimes used as a date rape drug.

The Department also understands the veterinary community's concerns with the difficulties of the reporting requirements of the electronic prescription monitoring program and would therefore like to propose the following amendments to SD 1 as a remedy:

"SECTION 19. Section 329-102, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

(b) The administrator may exempt individual dispensing entities from the electronic information reporting requirements of subsection (a) if:

- (1) The imposition of the requirement would result in financial hardship for a particular pharmacy; [and]
- (2) The pharmacy agrees to provide the information to the designated state agency through use of a pharmacy universal claim form[.]; and
- (3) They are veterinarians licensed and registered under section 329-32 to dispense a controlled substance in the course of professional practice in this State."

This new definition would provide a mechanism within existing statutes for the NED Administrator to exempt a veterinarian from mandatory reporting to the electronic prescription monitoring program, yet allow each to account for the administration, prescription and dispensation of controlled substances necessary to their practice while providing the needed protections from misuse of controlled substances under the law.

To further clarify the foregoing amendment, PSD would also like to propose the following minor amendment to Section 18, subsection (b) on Page 30, Lines 11-13:

“all practitioners, with the exception of veterinarians, and all pharmacies shall be registered...”

Thank you for the opportunity to testify on this measure.



24 February 2016

Senator Gilbert S.C. Keith-Agaran, Chair, Committee on Judiciary and Labor  
Senator Jill N. Tokuda, Chair, Committee on Ways and Means

Subject: **Support SB 2915, SD1 (SSCR2308)**

Dear Chair Tokuda and Chair Keith-Agaran,

The Injury Prevention Advisory Committee supports SB 2915 SD1, which mandates all practitioners, except veterinarians, and pharmacies register to utilize the electronic prescription accountability system in addition to other amendments that strengthen implementation of the Uniform Controlled Substances Act.

Established in 1990, the Injury Prevention Advisory Committee (IPAC) is an advocacy group committed to preventing and reducing injuries in Hawai`i. IPAC members include representatives from public and private agencies, physicians and professionals working together to address leading areas of injury, including poisoning and overdose.

Mandatory registration, **and optimally use**, of electronic prescription accountability systems or prescription monitoring programs (PMPs) is one of the most effective promising practices for reducing prescription drug abuse based on a comprehensive national review of policies and approaches.<sup>1</sup> States that mandated PMPs, which include Kentucky, New York and Tennessee, saw significant increases in registration and use of PMPs, and associated declines in opioid prescribing.<sup>2</sup>

Drug poisoning is a serious public health problem in Hawaii and across the nation. Based on Hawaii death certificate records, fatal drug poisonings among Hawaii residents have increased significantly over the last 20 years to make it the leading mechanism of fatal injuries, surpassing deaths from motor vehicle crashes and falls. Fully utilizing PMPs along with other promising drug diversion and prevention efforts will help to reduce abuse and misuse of prescription drugs.

Thank you for the opportunity to testify.

Sincerely,

*David Kingdon, MPH, Paramedic*  
Co-Chair, IPAC

*Deborah Goebert, DrPH*  
Co-Chair, IPAC

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<sup>1</sup> <http://healthyamericans.org/assets/files/TFAH2013RxDrugAbuseRptFINAL.pdf>

<sup>2</sup> [http://www.pdmpexcellence.org/sites/all/pdfs/COE%20briefing%20on%20mandates%20revised\\_a.pdf](http://www.pdmpexcellence.org/sites/all/pdfs/COE%20briefing%20on%20mandates%20revised_a.pdf)

TESTIMONY ON SENATE BILL 2915 SD1  
RELATING TO THE UNIFORM CONTROLLED SUBSTANCE ACT

by  
Keith Kamita

COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

COMMITTEE ON WAYS AND MEANS

Senator Jill N. Tokuda, Chair  
Senator Donovan M. Dela Cruz, Vice Chair

Wednesday, February 24, 2016, 10:00 AM  
State Capitol, Conference Room 211

Chairs Keith-Agaran and Tokuda, Vice Chairs Shimabukuro and Dela Cruz, and  
Members of the Committee:

I strongly support Senate Bill 2915 SD1 which is the Department of Public Safety's Narcotics Enforcement Division's vehicle for proposing updates to Hawaii's Uniform Controlled Substance Act, Chapter 329, Hawaii Revised Statutes, to be consistent with changes in Federal law, as required by Section 329-11, HRS and deletes definitions no longer utilized under federal law.

HRS Section 329-11(d) states that if a substance is added, deleted or rescheduled under Federal law and notice of the designation is given to PSD, then the Department shall recommend that a corresponding change in Hawaii law be made. SB 2915 adds new controlled substances to Hawaii's Uniform Controlled Substance Act that was scheduled by the Federal government in 2015 and 2016.

SB2915 SD1 would also update Hawaii's Uniform Controlled Substances Act to be consistent with Federal law and new definitions in Section 329D by adding and deleting definitions to sections 329-1, 329-31, 329-31.5, 329-32, 329-33, 329-34, 329-36, 329-37 and 329-52 to clarify that registrants that manufacture, distribute, prescribe, dispense, store, reverse distribute, conducting research, or chemical analysis with controlled substances shall obtain a State controlled substance registration.

SB2915 SD1 proposes to add the definitions of "medical marijuana dispensary", "medical marijuana production center" and "retail dispensing location" in accordance with Section 329D-1. Section 329-33 is also amended to include the requirement of

obtaining licensure from department of health under section 329D-2 and 329D-8 prior to applying for controlled substance certification.

SB2915 SD1 adds new definitions to Chapter 329 HRS to allow access to the electronic prescription accountability system to “practitioner delegates, pharmacist delegates, the chief medical examiner and researchers and other entities or individuals authorized by the administrator to assist the program with projects which enhance the the State’s “electronic prescription accountability system.” This program is capable of providing practitioners with a prescription history for anyone who is prescribed controlled substances in Schedules II to IV and allows practitioners and pharmacists the ability to retrieve the prescription history of patients to avoid over-prescription and assist in providing them the most appropriate care, especially where controlled substance abuse is suspected. In addition, emergency room physicians are able to check the database to evaluate patients who periodically visit their facilities seeking controlled substances. The issue has always been that even though this is a highly effective evaluation tool, practitioners have not been utilizing the electronic prescription accountability system, possibly due to time limitations or they may lack awareness of the program. This results in substance abusers continuing to fraudulently obtain prescriptions from multiple physicians and/or fraudulent obtaining prescription drugs undetected. SB2915 SD1 will also amend section 329-101 and 329-102 to require that as part of the State’s controlled substance registration process that all registrants (except veterinarians) requesting a controlled substance certification shall register for access to the electronic prescription accountability system this will provide practitioners easy access to a very powerful tool to make better, more informed treatment decisions, allowing them to provide the most appropriate medical care for their patients. Ultimately, all Hawaii citizens will benefit from the use of the electronic prescription accountability system through improved medical care and in reductions in the abuse and diversion of controlled substance prescription drugs.

SB2915 SD1 proposes to amends section 329-23(a), HRS, by clarifying that the department would make available to the public an electronic copy of the controlled

substance schedules on its website to allow the public better accessibility to this information.

SB2915 SD1 amends section 329-38 (a) by adding language to limit the quantity on schedule II narcotic controlled substance prescriptions to a 30-day supply due to the abuse and over prescribing of these drugs. Presently Hawaii does not have a quantity limit on schedule II narcotic drugs unlike some of the other states and many insurance carriers that have already implemented limits on the quantity of controlled substance dispensed to a 30-day supply.

SB2915 SD1 amends section 329-49 to transfer the depositing of the funds collected from administrative fines of registrants to the controlled substance registration revolving fund under section 329-59. The Narcotics Enforcement Division will utilize these funds to assist in paying for compliance inspections, investigations and prevention programs for controlled substance and regulated chemical registrants.

Thank you for the opportunity to testify on this important bill.