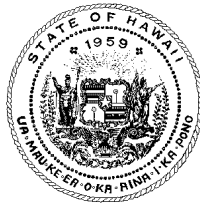


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
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Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Shawn H. Tsuha
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 2915, SENATE DRAFT 2
RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT

By

Nolan P. Espinda, Director

House Committee on Health
Representative Della Au Belatti, Chair
Representative Richard P. Creagan, Vice Chair

Monday, March 14, 2016; 2:15 p.m.
State Capitol, Conference Room 329

Chair Belatti, Vice Chair Creagan, and Members of the Committee:

The Department of Public Safety (PSD) **strongly supports** Senate Bill (SB) 2915, Senate Draft (SD) 2, which proposes updates to Hawaii's Uniform Controlled Substances 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.

PSD would like to reemphasize the importance of this measure, as its Narcotics Enforcement Division requires the most current information to effectively deal with threats to the health and safety of Hawaii's people posed by controlled substances..

Thank you for the opportunity to provide this testimony.

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 12, 2016 12:12 AM
To: HLTtestimony
Cc: AKOE002@hawaii.rr.com
Subject: Submitted testimony for SB2915 on Mar 14, 2016 14:15PM

SB2915

Submitted on: 3/12/2016

Testimony for HLT on Mar 14, 2016 14:15PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Ako DVM	Individual	Support	No

Comments: Honorable Chair Representative Belatti, Vice Chair Representative Creagan and members of the Committee on Health, The Hawaii Veterinary Medical Association supports SB2915 SD2. While in support of the judicious and proper use of medications, we are pleased with Section 18 which exempts veterinarians from mandatory electronic reporting. The system has proven to be inappropriate and user unfriendly for us. Respectfully yours, Eric Ako DVM Executive Vice President, HVMA

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Jill Yoshicedo, DVM
Kailua Animal Clinic
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March 12, 2016

Committee on Health
Representative Della Au Belatti, Chair
Representative Richard P. Creagan, Vice Chair

RE: SB 2915 SD 2 Relating to the Uniform Controlled Substance Act

Dear Committee on Health,

As a veterinarian actively practicing in Hawaii for the past 7 years, I am in support of SB2915 SD2 and its exemption of veterinarians from the mandatory electronic reporting requirement of the HRS 329 Uniform Controlled Substances Act. This exemption is appropriate due to the current electronic reporting system failing to allow veterinarians to comply with the Uniform Controlled Substance Act reporting requirements and the relatively miniscule amount of controlled substances veterinarians release to the public. SB2915 SD2 would relieve the current restriction preventing many veterinarians from dispensing controlled substances and allow us to continue using these essential drugs within our practice in treating seizure patients, providing euthanasia to terminally ill or suffering pets, and providing appropriate pain relief.

Veterinarians have been struggling for the past few years with the electronic reporting system requirement regarding dispensing controlled substances; many of us have not been able to effectively comply with the requirement due to system errors and inconsistencies as the system is set up for the human, not veterinary, medical field. The current electronic reporting system does not recognize many of the controlled substances veterinarians commonly use, and requests information impertinent to the veterinary-client-[animal] patient prescribing relationship. Additionally, the electronic system is difficult to use and error-prone, and technical support is often unavailable or unhelpful. Attempting to use the current system takes an unacceptable amount of the practitioner's time; the majority of Hawaii's veterinarians are very small businesses that do not have extra time or staff to deal with a reporting system that may take hours each week to file even a single controlled drug use event.

In dealing with the current HRS 329 Uniform Controlled Substances Act electronic reporting system requirement regarding dispensing controlled substances, my clinic has

not been able to effectively comply with the requirement due to the above stated issues with the reporting system. Because of this, we have been restricted to dispense only the controlled substance medications that are recognized by the electronic reporting system. In cases where other controlled substances are needed for appropriate treatment, we have had to instead write prescriptions for these medications to be filled at an outside pharmacy, which is an inconvenience to our clients as well as a loss of business revenue.

Furthermore, placing this reporting burden on veterinarians is unjustifiable as controlled substance use in the veterinary field has a miniscule impact on the issue of controlled drug abuse in humans. Within the veterinary field, the majority of controlled drug use is within the hospital and administered by the veterinarian directly to the patient. Please note that veterinarians already log all controlled substance use for federal DEA requirements.

Please SUPPORT SB2915 SD2 and its exemption of veterinarians from these reporting requirements, at least until a functioning and effective reporting system is in place that would allow us to comply with the law.

Thank you for the opportunity to submit testimony, and your consideration of the unintended consequences of the Uniform Controlled Substances Act on the veterinary medical field. Please contact me if I can be of further assistance.

Jill Yoshicedo, DVM
Hawaii Veterinary Medical Association
President-Elect

HLTtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 14, 2016 1:48 PM
To: HLTtestimony
Cc: sfnakaya@kindredspiritkindredcare.com
Subject: Submitted testimony for SB2915 on Mar 14, 2016 14:15PM

SB2915

Submitted on: 3/14/2016

Testimony for HLT on Mar 14, 2016 14:15PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
shannon nakaya, dvm	kindred spirit kindred care, llc	Support	No

Comments: I support the bill as it presently reads, excluding veterinarians from daily online reporting via a system not intended or designed for veterinary reporting. This does not mean that I disregard my licenses to administer controlled substances and the responsibility to maintain records and inventory. I respect and uphold those responsibilities very seriously. The additional online reporting, however, is unable to accommodate legitimate veterinary uses of controlled substances and proved aggravating enough to enough veterinary practitioners in the state that they voluntarily gave up their right to dispense controlled substances. While this might seem beneficial as it results in less controlled substances in the state and fewer prescribers to manage, it is not. Prescribing for animals often involves compounding, and for logistical reasons (turn around time for prescriptions to be filled, delays, cost efficiency), MORE drug often ends up in the hands of the client than would occur if the veterinarian were doing the dispensing directly. I support the EXCLUSION of veterinarians in the present version of this bill. shannon nakaya, dvm

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**Testimony of
Gary M. Slovin / Mihoko E. Ito
on behalf of
Walgreen Company**

DATE: March 13, 2016

TO: Representative Della Au Belatti
Chair, Committee on Health
HLTestimony@capitol.hawaii.gov

RE: **S.B. 2915, S.D.2 – Relating to the Uniform Controlled Substances Act**
Hearing Date: Monday, March 14, 2016 at 2:15 p.m.
Conference Room: 329

Dear Chair Belatti and Members of the Committee:

We submit these comments on behalf of Walgreen Co. (“Walgreens”). Walgreens operates stores at more than 8,200 locations in all 50 states, the District of Columbia and Puerto Rico. In Hawaii, Walgreens now has 20 stores on the islands of Oahu, Maui and Hawaii.

S.B.2915, S.D.2 updates HRS Chapter 329 to make it consistent with the federal controlled substances rules. Among other things, it also requires pharmacies to register to use the electronic prescription accountability system, and clarifies that individuals storing, conducting research, reverse distribution and chemical analysis with controlled substances must register with the department of public safety and follow appropriate controlled substance statutes and rules.

Walgreens **supports the intent** of S.B. 2915, S.D.2, but has concerns with respect to certain provisions in the bill, as follows:

1. **Reverse distribution.** Regarding the provisions which allow the department to enact rules regarding “reverse distribution,” also known as drug take back, we would respectfully request that references to reverse distribution refer back to the

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C. Mike Kido
Tiffany N. Yajima

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federal law on drug take back (Title 21, CFR Part 1317) to ensure that any state drug take back programs will mirror and comply with federal law.

2. **Controlled substance 30 day supply (Section 12, page 26, line 3-5).** This bill amends HRS 329-38, to prohibit all schedule II narcotic controlled substances from being dispensed for more than a 30 day supply. However, there are some controlled substances that come in a unit dose package that technically exceed the 30 day limit. Placing a 30 day supply restriction will impact the ability to dispense those products to the patients who have been prescribed this medication. We would respectfully ask for these types of products to be exempt from this law, as follows:

(2) No schedule II narcotic controlled substance may be prescribed or dispensed for more than a thirty-day supply, ***except where such substances come in a single unit dose package that exceeds the 30 day limit;***

Thank you very much for the opportunity to testimony on this measure.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 13, 2016 8:31 PM
To: HLTtestimony
Cc: aleishaswartz@gmail.com
Subject: Submitted testimony for SB2915 on Mar 14, 2016 14:15PM

SB2915

Submitted on: 3/13/2016

Testimony for HLT on Mar 14, 2016 14:15PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Aleisha Swartz	Individual	Support	No

Comments: I support this bill with it's important exemption for veterinarians. Without the exemption, veterinarians would have a difficult time treating animal's pain, relieving suffering and performing euthanasia when needed.

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Sent: Sunday, March 13, 2016 8:25 PM
To: HLTtestimony
Cc: Isimgod@gmail.com
Subject: Submitted testimony for SB2915 on Mar 14, 2016 14:15PM

SB2915

Submitted on: 3/13/2016

Testimony for HLT on Mar 14, 2016 14:15PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Leilani Sim-Godbehere	Individual	Support	No

Comments: I support SB 2915 regarding the portion exempting veterinarians from these arduous requirements. The system is not set up for veterinary practice at all and the efforts to comply with these demands has placed undue burden on our staff. Mahalo for your consideration and supporting this bill. Leilani Sim-Godbehere, DVM

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 13, 2016 7:00 PM
To: HLTtestimony
Cc: kljonesdvm@aol.com
Subject: *Submitted testimony for SB2915 on Mar 14, 2016 14:15PM*

SB2915

Submitted on: 3/13/2016

Testimony for HLT on Mar 14, 2016 14:15PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Keri Jones	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 13, 2016 2:11 PM
To: HLTtestimony
Cc: drlmrhodes@gmail.com
Subject: *Submitted testimony for SB2915 on Mar 14, 2016 14:15PM*

SB2915

Submitted on: 3/13/2016

Testimony for HLT on Mar 14, 2016 14:15PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Laurel	Individual	Support	No

Comments:

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TESTIMONY ON SENATE BILL 2915 SD2
RELATING TO THE UNIFORM CONTROLLED SUBSTANCE ACT

by
Keith Kamita

COMMITTEE ON HEALTH

Representative Della Au Belatti, Chair
Representative Richard P. Creagan, Vice Chair

Monday March 14, 2016, 2:15 PM
State Capitol, Conference Room 329

Chair Belatti, Vice Chair Creagan and Members of the Committee:

I strongly support Senate Bill 2915 SD2 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 SD2 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 SD2 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 SD2 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 SD2 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 SD2 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 SD2 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.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 14, 2016 10:31 AM
To: HLTtestimony
Cc: mucwong@gmail.com
Subject: *Submitted testimony for SB2915 on Mar 14, 2016 14:15PM*

SB2915

Submitted on: 3/14/2016

Testimony for HLT on Mar 14, 2016 14:15PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Wong	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 14, 2016 12:51 PM
To: HLTtestimony
Cc: sylviak2370@gmail.com
Subject: Submitted testimony for SB2915 on Mar 14, 2016 14:15PM

SB2915

Submitted on: 3/14/2016

Testimony for HLT on Mar 14, 2016 14:15PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Sylvia Kondo	Individual	Support	No

Comments: I support SB2915 which will exempt veterinarians from the reporting process.

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