



# SB2915

Measure Title:	RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.
Report Title:	Uniform Controlled Substances Act
Description:	<p>Updates chapter 329, Hawaii Revised Statutes, to make it consistent with amendments in federal controlled substances law as required under section 329-11; amends section 329-1 to clarify existing definitions to be consistent with Federal controlled substance law; deletes definitions no longer utilized under federal law; adds new definitions to allow the use of "delegates" by practitioners and pharmacists to access the electronic prescription accountability system; clarify that individuals storing, conducting research, reverse distribution and analytical analysis with controlled substances must register with the Department and follow appropriate controlled substance statutes and rules; amend 329-23 to take advantage of technology in the posting of updates to Hawaii's drug schedules on the department's website; amend section 329-38 to be consistent with Federal limitations on the prescribing of Schedule II narcotic controlled substances; mandate that the collections of fines under section 329-49 be deposited into the State controlled substance registration revolving fund under section 329-59 to support the program; delete the requirement for a pseudoephedrine permit for transporting over 3 grams of pseudoephedrine as required under sections 329-73 and 329-74; amends chapter 329, part VIII ELECTRONIC PRESCRIPTION ACCOUNTABILITY SYSTEM, Hawaii Revised Statutes, by adding language to mandate the requirement that all practitioners and pharmacies register to utilize the electronic prescription accountability system when they obtain a controlled substance registration; authorize the Department of Public Safety Narcotics Enforcement Division Administrator to allow access to state, county, or federal regulatory agencies to the database when conducting joint regulatory investigations.</p>
Companion:	<a href="#">HB2386</a>
Package:	Governor
Current Referral:	PSM/CPH, JDL/WAM
Introducer(s):	KOUCHI (Introduced by request of another party)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [sfnakaya@kindredspiritkindredcare.com](mailto:sfnakaya@kindredspiritkindredcare.com)  
**Subject:** Submitted testimony for SB2915 on Feb 11, 2016 08:30AM  
**Date:** Monday, February 08, 2016 9:24:58 AM

---

**SB2915**

Submitted on: 2/8/2016

Testimony for PSM/CPH on Feb 11, 2016 08:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
shannon nakaya, dvm	kindred spirit kindred care, llc	Oppose	No

Comments: I am a mobile veterinarian in the state of Hawaii. I have testified multiple times on this matter. Moreover, I gave up my right (as granted through my federal DEA license) to dispense controlled substances because the reporting process was so skewed towards human prescribing and unaccommodating of regular and accepted veterinary prescribing that reporting became an hours long effort in frustration and futility. I am not the only veterinarian in the state to choose this option, which has complicated care for animal patients. For example, as we are no longer able to dispense controlled substances for pain management for patients, they either need to stay in the hospital, or be transported back and forth to the hospital to receive regular doses. In the present system, we can still prescribe controlled substances through pharmacies; however, that often ends up putting MORE drug into the hands of the client as packaging is designed for human patients and quantities dispensed are more than needed to support a small animal patient. It also increases the cost of drugs for the client as they need to purchase more than they will really use. Effectively, including veterinarians to comply with a reporting system designed to monitor human drug dispensing increases the amount of unused drug in the state while other patients get deprived of optimal care. PLEASE EXCLUDE VETERINARIANS from SB2915.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

Jill Yoshicedo, DVM  
Kailua Animal Clinic  
111 Hekili St. Ste 104  
Kailua HI 96734  
(808) 263-8863

February 8, 2016

Committee on Public Safety, Intergovernmental, and Military Affairs  
Senator Clarence K. Nishihara, Chair  
Senator Will Espero, Vice Chair

Committee on Commerce, Consumer Protection, and Health  
Senator Rosalyn H. Baker, Chair  
Senator Michelle N. Kidani, Vice Chair

RE: SB 2915 Relating to the Uniform Controlled Substance Act

Dear Committees,

As a veterinarian actively practicing in Hawaii for the past 7 years, I am opposed to SB 2915 due to its inclusion of veterinarians in the mandatory electronic reporting requirement of the Uniform Controlled Substances Act.

The current definition of "practitioner" in the existing Hawaii Revised Statutes Section 329-1 Uniformed Controlled Substance Act Definitions reads:

"Practitioner" means:

(1) A physician, dentist, **veterinarian**, scientific investigator, or other person licensed and registered under section 329-32 to distribute, dispense, or conduct research with respect to a controlled substance in the course of professional practice or research in this State;

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.

Without first establishing a functioning reporting system for VETERINARY use, it is inappropriate to require veterinarians to adhere to the same restrictions on controlled substance use as the human medical field. Furthermore, controlled substance use in the veterinary field has a miniscule impact on the issue of controlled drug abuse in humans. Please note that veterinarians already log all controlled substance use for federal DEA requirements. SB 2915 continues to place an unjustified and insurmountable reporting burden upon most, if not all, veterinarians in Hawaii.

Please OPPOSE SB 2915 unless it includes a specific amendment exempting 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 SB 2915 on the veterinary medical field. Please contact me if I can be of further assistance.

Jill Yoshicedo, DVM

Hawaii Veterinary Medical Association  
President-Elect

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [AKOE002@hawaii.rr.com](mailto:AKOE002@hawaii.rr.com)  
**Subject:** Submitted testimony for SB2915 on Feb 11, 2016 08:30AM  
**Date:** Monday, February 08, 2016 8:54:44 PM

---

**SB2915**

Submitted on: 2/8/2016

Testimony for PSM/CPH on Feb 11, 2016 08:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eric Ako DVM	Hawaii Veterinary Medical Association	Oppose	No

Comments: Honorable Senator Nishihara,Chair,Senator Espero,Vice Chair and members of the Committee on Public Safety,Intergovernmental and Military Affairs, Honorable Senator Baker,Chair,and Senator Kidani,Vice Chair,and members of the Committee on Commerce,Consumer Protection,and Health, The Hawaii Veterinary Medical Association is opposed to SB 2915. The proposed changes to 329,part VIII Electronic Prescription Accountability would require veterinarians to participate in a system that does not work for us.For example,our clients are not our patients. Veterinarians do not administer,prescribe or dispense in the volumes practitioners of human medicine or surgery do. The NED has already prohibited many of us from dispensing. We have asked for but not received any training from the state or federal government. Please include an exemption for veterinarians,or require the NED or the DEA to provide training,and not just a long distance hotline. We also wish to reduce drug abuse in our community. Respectfully yours, Eric Ako DVM ExecVP,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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [rkailianu57@gmail.com](mailto:rkailianu57@gmail.com)  
**Subject:** \*Submitted testimony for SB2915 on Feb 11, 2016 08:30AM\*  
**Date:** Tuesday, February 09, 2016 10:34:23 PM

---

**SB2915**

Submitted on: 2/9/2016

Testimony for PSM/CPH on Feb 11, 2016 08:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Ho`omana Pono, LLC	Support	Yes

Comments:

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

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

by

Keith Kamita

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL,  
AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair

Senator Will Espero, Vice Chair

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND  
HEALTH

Senator Rosalyn H. Baker, Chair

Senator Michelle N. Kidani, Vice Chair

Thursday, February 11, 2016, 08:30AM

State Capitol, Conference Room 229

Chairs Nishihara and Baker, Vice Chairs Espero and Kidani, and Members of the Committee:

I strongly support Senate Bill 2915 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.

SB 2915 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 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 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 will also amend section 329-101 to require that as part of the State’s controlled substance registration process that all registrants 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 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 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 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](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [kljonesdvm@aol.com](mailto:kljonesdvm@aol.com)  
**Subject:** Submitted testimony for SB2915 on Feb 11, 2016 08:30AM  
**Date:** Monday, February 08, 2016 8:12:16 PM

---

**SB2915**

Submitted on: 2/8/2016

Testimony for PSM/CPH on Feb 11, 2016 08:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Keri Jones	Individual	Oppose	No

Comments: I am a veterinarian on the Big Island and have advanced certification in pain management for dogs and cats. Including veterinarians in the mandatory reporting has severely limited the pain medications I can use in my patients. Tramadol is a drug used very commonly post-surgically for dogs and I am unable to dispense this drug to my patients because of this law. Some of my clients cannot or will not fill a written prescription for their pet, which means these animals will have no pain medication after their surgery. Non-controlled options like NSAID's create higher risk for the patient and are not as effective in controlling some types of pain. I oppose this bill because veterinarians are not a high risk for diversion and we do not have the staff to comply with weekly reporting in the current system. Thank you

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [lsimgod@gmail.com](mailto:lsimgod@gmail.com)  
**Subject:** Submitted testimony for SB2915 on Feb 11, 2016 08:30AM  
**Date:** Monday, February 08, 2016 10:06:19 PM

---

**SB2915**

Submitted on: 2/8/2016

Testimony for PSM/CPH on Feb 11, 2016 08:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leilani Sim-Godbehere	Individual	Oppose	No

Comments: Honorable Legislators, I am a practicing veterinarian on Kauai. I am vehemently opposed to SB 2915 because it is designed for the human medical profession and many aspects of the bill do not apply to the veterinary profession. The system by it's design also puts unnecessary paperwork burdens on the veterinary practices throughout the state. I strongly encourage you to omit the veterinary professionals from these regulations. Respectfully submitted, Leilani Sim-Godbehere, D.V.M.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**PSM**

Senator Clarence Nishihara, Chair  
Senator Will Espero, Vice Chair

**CPH**

Senator Rosalyn Baker, Chair  
Senator Michelle Kidani, Vice Chair

Re: **SB2915 – Relating to the Uniform Controlled Substances Act**

Hearing: Thursday, February 11, 2016, 8:30 pm, Room 229

From: Clifton Otto, MD

Position: **Oppose**

State law requires that controlled substances in state Schedule I have the highest degree of danger.

State law also gives the Department of Public Safety (PSD) an administrative duty to keep Hawaii's schedules up to date by means of annual scheduling recommendations to the Legislature, which holds the authority to make final scheduling decisions.

State law also says that Marijuana has Medical Use, which means that it cannot be in state Schedule I.

Therefore, PSD has an administrative duty to perform a scheduling determination for Marijuana and provide a scheduling recommendation to the Legislature that recognizes the fact that Marijuana does not have the highest degree of danger and cannot be in state Schedule I.

SB2915 is the perfect opportunity to request this scheduling recommendation for Marijuana from PSD before allowing this bill to move forward.

This Session is also the last opportunity for the Legislature to address this issue before state-regulated Dispensaries start selling this substance in July of this year.

February 8, 2016

Dear Honorable Senator Ihara,

I am in opposition to SB2915.

Veterinarians have struggled with this 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 Hawaii Veterinary Medical Association (HVMA) opposes the inclusion of veterinarians with this reporting requirement as it is an undue burden upon veterinarians in Hawaii who do not significantly contribute to the abuse of controlled substances, particularly when there is no effective reporting system in place for veterinary use. Last year's legislators were receptive to omitting veterinarians from this requirement, so please vote against SB2915 during this legislative session.

Sincerely,  
Sylvia Kondo, DVM

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [kaukamina@aol.com](mailto:kaukamina@aol.com)  
**Subject:** Submitted testimony for SB2915 on Feb 11, 2016 08:30AM  
**Date:** Wednesday, February 10, 2016 12:14:22 AM

---

**SB2915**

Submitted on: 2/10/2016

Testimony for PSM/CPH on Feb 11, 2016 08:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alfred J. Mina, DVM	Individual	Comments Only	No

Comments: This electronic reporting system requirement for dispensing controlled substances has been a burden to Hawaii veterinarians since it was initiated. It's been difficult to comply with the requirement due to the many system errors and inconsistencies encountered while entering data. This system is set up for human medicine, not veterinary medicine, and it's frustrating, time consuming, and more frustrating when dealing with the system errors. I oppose SB2915

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)