

Honolulu, Hawaii

APR 27 2017

RE: S.B. No. 505
S.D. 1
H.D. 2
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 505, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to reduce addiction, overdose, and death related to the use of opioids by:

- (1) Requiring execution of an informed consent process agreement between a patient and prescriber of opioids in circumstances that carry an elevated risk of creating dependency;
- (2) Establishing quantitative limits on initial prescriptions for opioids and benzodiazepines, subject to specified exceptions; and



- (3) Clarifying the Board of Nursing's authority to enforce compliance with the Uniform Controlled Substances Act.

Your Committee on Conference finds that Hawaii and the nation are facing an epidemic related to prescription pain relieving drugs that are causing alarming rates of addiction, overdose, and death. According to the National Institute on Drug Abuse, opioids account for the greatest proportion of the prescription drug abuse problem. Furthermore, PEW Charitable Trusts reports that opioid pain relievers killed nearly 20,000 Americans in 2014. Nationwide, legislators and community groups are trying to curb this epidemic through public education and limiting liberal opioid prescribing practices.

Your Committee on Conference further finds that informed consent is an effective process between a provider and a patient that requires a specific medication or form of treatment such as safe opioid therapy. The informed consent process allows the patient to better understand the goals of treatment, potential benefits of treatment, realistic outcomes, potential risks, how to use the medication, and alternative treatment options. Your Committee on Conference recognizes that any approach to curb the opioid epidemic must balance the medically justified and necessary use of opioid pain medication with the reality of increased opioid misuse, abuse, and overdose.

Your Committee on Conference has amended this measure by:

- (1) Making the required adoption of written policies that include execution of informed consent process agreements effective July 1, 2018;
- (2) Requiring the Department of Health to post its template of an opioid therapy informed consent process agreement on the Department's website no later than December 31, 2017;
- (3) Deleting language that would have specified items that must be included in the template for the opioid therapy informed consent process agreement;
- (4) Inserting language to make violations of the mandatory opioid therapy informed consent process not subject to the penalty provisions of part IV of chapter 329, Hawaii Revised Statutes;



- (5) Inserting language to clarify that the limits on prescriptions for opioids and benzodiazepines apply to concurrent prescriptions for the two types of drugs;
- (6) Adding cancer to the list of conditions for which a concurrent prescription for opioids and benzodiazepines for longer than seven days is authorized when medically necessary for treatment;
- (7) Decreasing the frequency with which a practitioner who prescribes an initial concurrent prescription for opioids and benzodiazepines must consult with the patient in person after authorizing subsequent prescriptions through a telephone consultation;
- (8) Changing the effective date to July 1, 2017, and inserting a sunset date of June 30, 2023; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 505, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 505, S.D. 1, H.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

DELLA AU BELATTI

DELLA AU BELATTI
Co-Chair

ROSALYN H. BAKER

ROSALYN H. BAKER
Chair

ROY M. TAKUMI

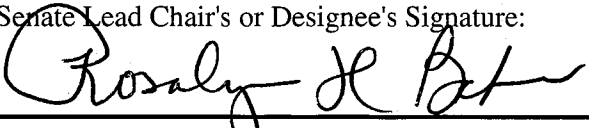

ROY M. TAKUMI
Co-Chair



Hawaii State Legislature

CCR 48

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 505, SD 1, HD 2					Date/Time: 4-25-17 1:12 p				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
BAKER, Rosalyn H., Chr.	✓				BELATTI, Della Au, Co-Chr.	✓			
ESPERO, Will				✓	TAKUMI, Roy M., Co-Chr.	✓			
KIDANI, Michelle N.	✓				TODD, Chris	✓			
					TUPOLA, Andria P.L.	✓			
TOTAL	2	-	-	1	TOTAL	4	-	-	-
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature: 					House Lead Chair's or Designee's Signature: 				
Distribution: Original		Yellow			Pink		Goldenrod		
File with Conference Committee Report		House Clerk's Office			Senate Clerk's Office		Drafting Agency		