

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
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Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 197  
RELATING TO THE ADMINISTERING, DISPENSING, OR PRESCRIBING  
NARCOTIC DRUGS FOR USE IN MAINTENANCE OR DETOXIFICATION  
TREATMENT TO A NARCOTIC DEPENDENT PERSON

by

Nolan P. Espinda, Director  
Department of Public Safety

House Committee on Health  
Representative Della Au Belatti, Chair  
Representative Bertrand Kobayashi, Vice Chair

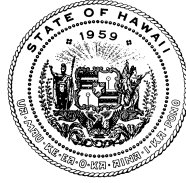
Thursday, February 9, 2017; 8:30 a.m.  
State Capitol, Conference Room 329

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

The Department of Public Safety (PSD) **supports** House Bill (HB) 197, which clarifies that treatment drugs such as suboxone may be used in the maintenance or detoxification of narcotic dependent persons. PSD, however, offers the following comments.

PSD respectfully refers the Committee to Sections 3 and 4 of HB 1132, which proposes that collection of fines under section 329-49, HRS, be deposited into the State controlled substance registration revolving fund pursuant to section 329-59, HRS, to support the program.

Thank you for the opportunity to present this testimony.



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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**Testimony in SUPPORT of H.B. 197  
RELATING TO ADMINISTERING, DISPENSING, OR PRESCRIBING NARCOTIC  
DRUGS FOR USE IN MAINTENANCE OR DETOXIFICATION TREATMENT TO  
A NARCOTIC DEPENDENT PERSON  
DELLA AU BELATTI, CHAIR  
HOUSE COMMITTEE ON HEALTH**

Hearing Date: February 9, 2017

Room Number: 329

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (DOH) supports the intent of this bill to  
3 clarify how practitioners as defined under the State Uniform Controlled Substances Act may  
4 administer, dispense and prescribe schedule III, IV or V narcotic drugs approved by the U.S.  
5 Food and Drug Administration for use in maintenance or detoxification treatment, provided the  
6 practitioner meets federal and state criteria for a narcotic treatment program.  
7 The DOH, Alcohol and Drug Abuse Division notes that the practice of prescribing,  
8 administering and dispensing medications such as suboxone are critical components of the  
9 treatment continuum for persons suffering from opioid use disorders. We also note that the U.S.  
10 Substance Abuse and Mental Health Services Administration strongly supports the use of these  
11 medications as important components of opioid treatment.

12 Thank you for the opportunity to provide testimony.



**HB 197 Narcotic Use of Detoxification Drugs (Suboxone):** Clarifies that treatment drugs such as suboxone may be used in the maintenance or detoxification of narcotic dependent persons.

HOUSE COMMITTEE ON HEALTH:

- Representative Della Au Belatti, Chair; Representative Bertrand Kobayashi, Vice Chair
- Wednesday, Feb. 9th, 2017: 8:30 a.m.
- Conference Room 329

### **HSAC Supports with Recommended Changes to HB197.**

*ALOHA CHAIR BELATTI; VICE CHAIR KOBAYASHI; AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide hui of over 30 non-profit alcohol and drug treatment and prevention agencies.*

### **HSAC supports the American Society of Addiction Medicine (ASAM) that recommends clarifying language to avoid unintended consequences.**

1. There is no reason to exclude Schedule II medications, given that the modifying wording explicitly qualifies only such medications within those categories (II-V) that have been approved for detoxification. This will cause problems if a misguided enforcer then applies it to methadone, despite that methadone prescribing operates under other statutes.

Also, the FDA often takes the approach to approve new, effective medications by first classifying it provisionally or even permanently for a time as Schedule II. Including Schedule II, given the existing protective language that it must be FDA approved detoxification medication, makes sense for current and future practices.

2. While the word "detoxification" works, the more appropriate and accurate medical term is "medically-managed withdrawal." Detoxification has become wide spread in its use to encompass other definitions such as diet or cleansing powders, herbal remedies, etc.

3. Recommended language:

SECTION 3.(f)(3) A prescription may not be issued for "medically-managed withdrawal aka detoxification treatment" or "maintenance treatment" unless the prescription is for a schedule II, III, IV, or V narcotic drug approved by the Food and Drug Administration specifically for use in maintenance or

medically-managed withdrawal aka detoxification  
treatment and the practitioner is in compliance with  
Title 21 Code of Federal Regulations section 1301.28,  
the registration requirements of section 329-32(e) of  
this chapter, and any other federal or state  
regulatory standards relating to treatment  
qualification, security, records and unsupervised use  
of drugs;

We appreciate the opportunity to provide testimony and are available for questions.

kobayashi2 - Jessi

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 7, 2017 8:48 PM  
To: HLTtestimony  
Cc: carl@dpfhi.org  
Subject: Submitted testimony for HB197 on Feb 9, 2017 08:30AM

**HB197**

Submitted on: 2/7/2017

Testimony for HLT on Feb 9, 2017 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carl Bergquist	Drug Policy Forum of Hawaii	Support	No

Comments: This bill will help avoid a repeat of the scare many patients and their loved ones suffered last fall when the Department of Public Safety's Narcotics Enforcement Division (DPS NED) advised inquiring pharmacists that they could no longer furnish suboxone to patients who were in the middle of therapeutic detoxification treatment for their addiction to opioids. Had the public, legislators and the Attorney-General not intervened in a timely fashion, numerous patients would have gone into withdrawal and suffered greatly. Accordingly, we support this bill to clarify state law as suggested by the Attorney-General upon issuing his counsel to DPS NED in the fall of 2016.

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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kobayashi1- Oshiro

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 7, 2017 1:51 PM  
To: HLTtestimony  
Cc: rkorph@gmail.com  
Subject: \*Submitted testimony for HB197 on Feb 9, 2017 08:30AM\*

**HB197**

Submitted on: 2/7/2017

Testimony for HLT on Feb 9, 2017 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ron Okamura	Individual	Support	No

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.

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# SanHi Government Strategies

a limited liability law partnership

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DATE: February 8, 2017

TO: Representative Della Au Belatti  
Chair, Committee on Health  
*Submitted Via Capitol Website*

RE: **H.B. 197 Relating to Administering, Dispensing, or Prescribing  
Narcotic Drugs for Use in Maintenance or Detoxification Treatment to  
a Narcotic Dependent Person**  
**Hearing Date: Thursday, February 9, 2017 at 8:30 a.m.**  
**Conference Room: 329**

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Dear Chair Belatti and Members of the Committee on Health:

We submit this testimony 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.

Walgreens **supports** H.B. 197, which clarifies that treatment drugs such as suboxone may be used in the maintenance or detoxification of narcotic dependent persons.

Walgreens is committed to comprehensive efforts to combat drug abuse. Last year, Walgreens supported Act 68, Session Laws Hawaii 2016, which created immunity for practitioners, including pharmacists, to prescribe, dispense, distribute or administer opioid antagonists. H.B. 1132 furthers that concept and adopts federal law which allows the prescribing or dispensing of other qualified detoxification treatments to be used in the event of an overdose or as a maintenance treatment. Allowing pharmacists to dispense these detoxification treatments adds an important mechanism to saving lives and help combat drug overdoses in the community.

For the above reasons, Walgreens supports this measure and respectfully requests that it be passed out of Committee for further consideration. Thank you for the opportunity to testify in support of this measure.

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Gary M. Slovin  
Mihoko E. Ito  
R. Brian Tsujimura  
C. Mike Kido  
Tiffany N. Yajima  
Matthew W. Tsujimura







## Community Health Outreach Work

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Phone (808) 853-3292 • Fax (808) 853-3274

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### TESTIMONY IN SUPPORT WITH RECOMMENDED CHANGES TO HB 197

TO: Rep. Della Au Belatti, Chair, Rep. Bertrand Kobayashi, Vice Chair; and members of the Committee on Health

FROM: Heather Lusk, Executive Director, CHOW Project

Hearing: Thursday, February 9, 2017 at 08:30 AM in Conference Room 329

Dear Chair Belatti, Vice Chair Kobayashi, and members of the committee:

Thank you for the opportunity to provide testimony for HB 197.

**The CHOW Project is a proud member of the HAWAII SUBSTANCE ABUSE COALITION's (HSAC).**

### **The CHOW Project and HSAC Supports with Recommended Changes to HB197:**

**HSAC supports the American Society of Addiction Medicine (ASAM) that recommends clarifying language to avoid unintended consequences.**

1. There is no reason to exclude Schedule II medications, given that the modifying wording explicitly qualifies only such medications within those categories (II-V) that have been approved for detoxification. This will cause problems if a misguided enforcer then applies it to methadone, despite that methadone prescribing operates under other statutes.

Also, the FDA often takes the approach to approve new, effective medications by first classifying it provisionally or even permanently for a time as Schedule II. Including Schedule II, given the existing protective language that it must be FDA approved detoxification medication, makes sense for current and future practices.

2. While the word "detoxification" works, the more appropriate and accurate medical term is "medically-managed withdrawal." Detoxification has become wide spread in its use to encompass other definitions such as diet or cleansing powders, herbal remedies, etc.
3. Recommended language:

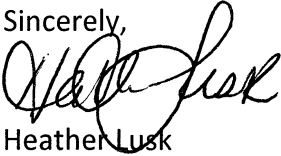
SECTION 3.(f)(3) A prescription may not be issued for "medically-managed withdrawal aka detoxification treatment" or "maintenance treatment" unless the prescription is for a schedule II, III, IV, or V narcotic drug approved by the Food and Drug Administration

specifically for use in maintenance or medically-managed withdrawal aka detoxification treatment and the practitioner is in compliance with Title 21 Code of Federal Regulations section 1301.28, the registration requirements of section 329-32(e) of this chapter, and any other federal or state regulatory standards relating to treatment qualification, security, records and unsupervised use of drugs;

**The Community Health Outreach Work (CHOW) Project** is dedicated to serving individuals, families and communities adversely affected by drug use, especially people who inject drugs, through a participant-centered harm reduction approach. CHOW works to reduce drug-related harms such as but not limited to HIV, hepatitis B/C and overdose. CHOW supports the optimal health and well-being of people affected by drug use throughout the State of Hawaii. CHOW has operated the statewide syringe exchange program for the past twenty years.

Thank you for taking the time to read my testimony and please support saving lives by supporting HB 197.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lusk". The signature is fluid and cursive, with the first name being more prominent.

Heather Lusk

Executive Director  
CHOW Project