

SB868

Measure Title: RELATING TO THE CONTROLLED SUBSTANCES ACT.

Report Title: Controlled Substances Act; Prescriptions; Detoxification Treatment; Maintenance Treatment; Buprenorphine

Description: Amends Hawaii's controlled substances act to mirror federal regulations, which permit qualified practitioners to administer, dispense, and prescribe any schedule III, IV, or V narcotic drug approved by the Food and Drug Administration for use as a detoxification treatment or maintenance treatment; provided the practitioner complies with specific federal requirements.

Companion: [HB1316](#)

Package: None

Current Referral: CPH, PSM

Introducer(s): KOUCHI (Introduced by request of another party)

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

**TESTIMONY ON SENATE BILL 868
RELATING TO THE CONTROLLED SUBSTANCES ACT**

by
Nolan P. Espinda, Director
Department of Public Safety

Senate Committee on Commerce, Consumer Protection, and Health
Senator Rosalyn H. Baker, Chair
Senator Clarence K. Nishihara, Vice Chair

Wednesday, February 8, 2017; 9:00 a.m.
State Capitol, Conference Room 229

Chair Baker, Vice Chair Nishihara, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 868, which proposes to amend Hawaii's controlled substances act to clarify the state law and mirror federal regulations which permit qualified practitioners to administer, dispense, and prescribe controlled substances for use as detoxification treatment or maintenance treatment, provided the practitioner complies with specific federal requirements. PSD, however, offers the following comments.

First, PSD would refer this Committee to SB 998 which further clarifies that a prescription may not be issued for detoxification treatment or maintenance treatment unless the practitioner complies with Title 21 of the Code of Federal Regulations section 1301.28, the registration and any requirements of section 329-32(e) of this chapter, and "any other federal or state regulatory standards relating to the treatment qualification, security, records, and unsupervised use of drugs." PSD would suggest adopting the wording on page 5, line 1 – 12 of SB 998.

Second, PSD again refers this Committee to SB 998 which would clarify two additional situations. The first allows a physician to treat a person to relieve acute

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withdrawal symptoms for not more than three days, without renewal or extension. The second clarifies the situation wherein a doctor or authorized hospital staff may administer or dispense narcotic drugs in a hospital to maintain or detoxify a person as an incidental adjunct to medical or surgical treatment in limited situations. Both of these situations are addressed in title 21 Code of Federal Regulations section 1306.07.

Lastly, again referring to SB 998, we would suggest incorporating the exclusion wording on page 1, lines 10 – 14.

Thank you for the opportunity to present this testimony.



HAWAII MEDICAL ASSOCIATION

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FROM:

HAWAII MEDICAL ASSOCIATION

Dr. Christopher Flanders, Executive Director

Lauren Zirbel, Community and Government Relations

TO:

HOUSE COMMITTEE ON HEALTH

Senator Rosalyn Baker, Chair

Senator Clarence Nishihara, Vice Chair

DATE: Wednesday, February 8, 2017

TIME: 9:00 a.m.

PLACE: Conference Room 229
State Capitol

SB 868

Position: Support

The Hawaii Medical Association (“HMA”) wishes to testify in support of bill SB868, with the recommendation several changes.

First, the HMA and the American Society of Addiction Medicine (“ASAM”) feel that the exclusion of Schedule II drugs may lead to unintended consequences. In that the language applies only to drugs approved by the FDA for “detoxification treatment” or “maintenance treatment” to a narcotic drug-dependent person, the application of the statute might mistakenly be interpreted to apply to methadone and similar drugs, which have been approved for “detoxification” and the use of which is regulated under separate statute (including HRS 329-40). This may also cause problems as new drugs for “detoxification” enter the market under Schedule II.

Secondly, the HMA and ASAM would ask the term “detoxification”, or similar, be changed to the currently accepted terminology “medically managed withdrawal.”

Thank you for allowing the HMA to participate in this discussion.

HMA OFFICERS

President – Bernard Robinson, MD President-Elect – William Wong, Jr., MD Secretary – Thomas Kosasa, MD

Immediate Past President – Scott McCaffrey, MD Treasurer – Michael Champion, MD

Executive Director – Christopher Flanders, DO



SB 868 Controlled Substance Act: Prescriptions, Detox, Maintenance,

Buprenorphine: Amends Hawaii's controlled substances act to mirror federal regulations, which permit qualified practitioners to administer, dispense, and prescribe any schedule III, IV, or V narcotic drug approved by the FDA for use as a detoxification treatment or maintenance treatment; provided the practitioner complies with specific federal requirements.

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND HEALTH:

- Senator Rosalyn Baker, Chair; Senator Clarence Nishihara, Vice Chair
- Tuesday, Feb. 8th, 2017: 9:00 p.m.
- Conference Room 229

HAWAII SUBSTANCE ABUSE COALITION (HSAC) Supports SB868 with Recommendations:

GOOD MORNING CHAIR NISHIHARA, VICE CHAIR WAKAI 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 Dr. Haning, Regional Director of the American Society of Addiction Medicine (ASAM), who recommends that the legislation be modified 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 methadone prescribing operating 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 widespread in its use to encompass other definitions such as diet powders, herbal remedies, etc.
3. Recommended language:

(3) A prescription may not be issued for the dispensing of narcotic drugs listed in any schedule for the purpose of "medically-managed withdrawal aka

detoxification treatment" or "maintenance treatment"
except as follows:

(C) An individual practitioner may administer or dispense (including prescribe) any schedule II,III, IV, or V narcotic drug approved by the United States Food and Drug Administration specifically for use as a "medically-managed withdrawal aka detoxification treatment" or "maintenance treatment" to a narcotic drug-dependent person; provided that the practitioner complies with the requirements of title 21 United States Code section 823(g) and title 21 Code of Federal Regulations section 1301.28;

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

SanHi Government Strategies

a limited liability law partnership

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DATE: February 6, 2017

TO: Senator Rosalyn H. Baker
Chair, Committee on Commerce, Consumer Protection, and Health
Submitted Via Capitol Website

RE: **S.B. 868 - Relating to The Controlled Substances Act**
Hearing Date: February 8, 2017 at 9 a.m.
Conference Room: 229

Dear Chair Baker and Members of the Committee on Commerce, Consumer Protection, and Health:

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.

Walgreens **supports** S.B. 868, which amends Hawaii's controlled substances act to mirror federal regulations, which permit qualified practitioners to administer, dispense, and prescribe any schedule III, IV, or V narcotic drug approved by the Food and Drug Administration for use as a detoxification treatment or maintenance treatment. The definition of "practitioner" in S.B. 868 includes pharmacists.

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. S.B. 868 furthers that concept and adopts federal law that 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 contributes to an important mechanism to saving lives and help combat drug overdoses in the community.

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

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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 on this measure.

TESTIMONY ON SENATE BILL 868
RELATING TO CONTROLLED SUBSTANCE ACT

by

Keith Kamita

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair

Senator Clarence K. Nishihara, Vice Chair

Wednesday, February 8, 2017, 09:00 AM

State Capitol, Conference Room 229

Chair Baker, Vice Chair Nishihara and Members of the Committee:

I support passage of Senate Bill 868 which amends Hawaii's controlled substances act to mirror federal regulations, which permit qualified practitioners to administer, dispense, and prescribe any schedule III, IV, or V narcotic drug approved by the Food and Drug Administration for use as a detoxification treatment or maintenance treatment; provided the practitioner complies with specific federal requirements. The Federal Government and the State's Narcotics Enforcement Division presently do certify physicians to specifically utilize Buprenorphine a semisynthetic opioid derivative of thebaine usually mixed with a partial agonist opioid receptor modulator to treat opioid addiction in their offices as long as they follow Title 21 United States Code section 823(g) and title 21 Code of Federal Regulations section 1301.28.

Thank you for allowing me to testify on this matter

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 5:18 PM
To: CPH Testimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SB868 on Feb 8, 2017 09:00AM*

SB868

Submitted on: 2/2/2017

Testimony for CPH on Feb 8, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	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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