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No. _____

TESTIMONY ON SENATE BILL 997, SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO THE CONTROLLED SUBSTANCES ACT

by

Nolan P. Espinda, Director
Department of Public Safety

House Committee on Judiciary
Representative Scott Y. Nishimoto, Chair
Representative Joy A. San Buenaventura, Vice Chair

Wednesday, March 29, 2017; 2:00 p.m.
State Capitol, Conference Room 325

Chair Nishimoto, Vice Chair San Buenaventura, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 997, Senate Draft (SD) 1, House Draft (HD) 1, which updates chapter 329 of the Hawaii Revised Statutes (HRS) to: 1) incorporate amendments made to the federal Controlled Substances Act, and 2) includes emergency scheduling as required under section 329-11, HRS.

First, chapter 329-11, HRS, provides that if a substance is added, deleted, or rescheduled under federal law, then PSD shall recommend to the Legislature that a corresponding change be made in Hawaii law. The following substances were scheduled by the federal government in 2016:

1. (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide), its isomers, esters, ethers, salts, and salts of isomers, esters and ethers, also known as, "AH-7921." (Schedule I)
2. N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers, also known as, "Butyryl Fentanyl." (Schedule I)

3. N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers, also known as, "Beta-hydroxythiofentanyl." (Schedule I)

4. ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (other names: BRV; UCB-34714; Briviact) (including its salts), also known as "Brivaracetam." (Schedule V)

5. (4-(methoxycarbonyl)-4-(N-phenmethoxyacetamido)-1-[2-(thienyl)ethyl]piperidine), including its isomers, esters, ethers, salts and salts of isomers, esters and ethers as possible, also known as, "Thiafentanil." (Schedule II)

Second, section 329-11(e), HRS, authorizes the Administrator of PSD's Narcotics Enforcement Division (NED) to make an emergency scheduling by placing a substance into schedules I, II, III, IV or V on a temporary basis if the Administrator determines that such action is necessary to avoid an imminent hazard or the possibility of an imminent hazard to the health and safety of the public. Under section 329-11(e), HRS, PSD is required to post public notice thirty days prior to the effective date of the emergency scheduling action of the controlled substances listed below, at the State Capitol, in the Office of the Lieutenant Governor, and on PSD's website for public inspection. If a substance is added or rescheduled under this subsection, the control shall be temporary. Section 329-11, HRS, also provides that if in the next regular session, the State Legislature has not enacted the corresponding changes in this chapter, the temporary designation of the added or rescheduled substance shall be nullified. Pursuant to section 329-11(e), HRS, the following controlled substances were emergency scheduled in 2016:

1. N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers, also known as "Furanyl Fentanyl." (Schedule I)

2. Methyl -2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3, 3-dimethylbutanoate (other names: 5F-ADB, 5-flouro-ADB and 5F-MDMB-PINACA),

its optical, positional, and geometric isomers, salts and salts of isomers, also known as "5F-ADB." (Schedule I)

3. 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers, also known as "U-47700." (Schedule I).

To avoid such nullification of the controlled substances which were emergency scheduled in 2016, PSD supports the passage of SB 997, SD 1. Equally importantly, PSD supports SB 997, SD 1 as it amends chapter 329, HRS, to mirror recent changes to the federal Controlled Substances Act, thereby bringing clarity to the law and eliminating differences and confusion between federal and state law.

Thank you for the opportunity to present this testimony.

To: House Committee on Judiciary
Representative Scott Nishimoto, Chair
Representative Joy San Buenaventura, Vice Chair

Re: SB997 SD1 HD1 – Relating to the UCSA

Hearing: Wednesday, March 29, 2017, 2:00 pm, Room 325

From: Clifton Otto, MD

Position: Support with changes

Please use this opportunity to address the current misclassification of marijuana at the state level.

After over 100,000 patient-years of marijuana use in Hawaii without a single marijuana-related death, it is embarrassing to still have marijuana in a state schedule that requires the "highest degree of danger".

Federal pre-emption does not apply here.

Please use your legislative authority to do something about this situation.

TESTIMONY ON SENATE BILL 997 SD1 HD1
RELATING TO CONTROLLED SUBSTANCE ACT

by
Keith Kamita

COMMITTEE ON JUDICIARY
Representative Scott Y. Nishimoto, Chair
Representative Joy A. San Buenaventura, Vice Chair

Wednesday, March 29, 2017, 2:00 PM
State Capitol, Conference Room 325

Chair Nishimoto, Vice Chair San Buenaventura and Members of the Committee:

I strongly support Senate Bill 997 SD1 HD1 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 997 SD1 HD1 adds new controlled substances to Hawaii's Uniform Controlled Substance Act that was scheduled by the Federal government in 2016.

SB 997 SD1 HD1 protects the citizens of Hawaii by placing these new opioids and synthetic drugs into their appropriate schedules and therefore allowing State and County law enforcement the ability to investigate and apprehend individuals abusing or trafficking in these new drugs.

Thank you for the opportunity to testify on this important bill.

Testimony in SUPPORT of: SB997 SD1 HD1, RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

TO: COMMITTEE ON JUDICIARY

HEARING: Wednesday, March 29, 2017 at 2:00 pm in Conference Room 325

FROM: Wendy Gibson R.N./BSN. American Cannabis Nurses Association member.

Dear Chair Nishimoto, Vice Chair San Buenaventura and Members of the Committee,

My name is Wendy Gibson. I am a Cannabis Nurse Educator who **STRONGLY** supports SB997 SD1 HD1.

In January 2017, the National Academies of Science, Engineering and Medicine published the results of a review of evidence and research on cannabis, using over 10,000 cannabis studies.

You can download a PDF using this link <https://www.nap.edu/catalog/24625/the-health-effects-of-cannabis-and-cannabinoids-the-current-state>

The report “The Health Effects of Cannabis and Cannabinoids” concluded that there is **conclusive or substantial evidence** that cannabis or cannabinoids **are EFFECTIVE:**

1. In the **treatment of** chronic pain in adults
2. As anti-emetics in the **treatment of** chemotherapy-induced nausea and vomiting.
3. For improving patient-reported multiple sclerosis spasticity symptoms.

They also stated that there are specific regulatory barriers, including the classification of cannabis as a Schedule I substance, that impede the advancement of cannabis and cannabinoid research.

Hawaii accepted the medical use of cannabis in 2000. To date, 28 states and Washington D.C. have done so as well. A few other states are on the verge of passing legislation to approve medical cannabis programs.

Because cannabis/marijuana has medical usefulness, it should be removed from a Schedule I status, and perhaps removed from the Controlled Substance Act entirely. This botanical medicine does not fit into any of the CSA categories. Currently, the synthetic, prescription forms of 100% THC are in the schedule III category. The Governor in South Dakota just signed Senate bill 95 which will make CBD (cannabidiol) a schedule IV medication.

I support SB997 because I would like to see the Department of Public Safety provide a scheduling recommendation for Tetrahydrocannabinols—recognizing that Hawaii

has accepted the medical use, recognizing that cannabis does not fit into a Schedule I category.

Clearly Hawaii is overdue for such a review of the scheduling of cannabis as it is still categorized as a drug with the "highest degree of danger". Physicians and thousands of patients who have been safely using cannabis since it was approved as a form of medicine in our state nearly two decades ago will tell you otherwise.

Please pass this important bill so that the Department of Public Safety can make a recommendation.

Thank you for hearing my testimony,
Wendy Gibson R.N., BSN, American Cannabis Nurses Association member.

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 28, 2017 10:06 PM
To: JUDtestimony
Cc: caseypotetz@gmail.com
Subject: *Submitted testimony for SB997 on Mar 29, 2017 14:00PM*

SB997

Submitted on: 3/28/2017
Testimony for JUD on Mar 29, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Caseypotetz@gmail.com	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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