

SB998

Measure Title: RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

Report Title: Uniform Controlled Substances Act

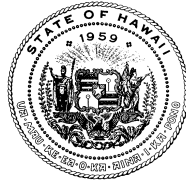
Description: Updates chapter 329, Hawaii Revised Statutes as follows: amends sections 329-16 and 329-38(f) to be consistent with federal law which allows prescribing authorization of drugs including buprenorphine and naloxone to patients undergoing detoxification treatment and maintenance treatment by practitioners who are properly registered. Requires 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.

Companion: [HB1132](#)

Package: Governor

Current Referral: CPH/PSM, WAM

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



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of S.B. 998
RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT**

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

SENATOR CLARENCE K. NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

Hearing Date: February 9, 2017

Room Number: 229

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 (ADAD) notes that the practice of
8 prescribing, administering and dispensing medications such as suboxone are critical components
9 of the treatment continuum for persons suffering from opioid use disorders. We also note that
10 the U.S. Substance Abuse and Mental Health Services Administration strongly supports the use
11 of these medications as important components of opioid treatment.

12 The DOH also defers to the Department of Public Safety on the regulation and
13 implementation of the Uniform Controlled Substances Act.

14 Thank you for the opportunity to provide testimony.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

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Corrections

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Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 998
RELATING TO THE UNIFORM 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

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Thursday, February 9, 2017; 1:15 p.m.
State Capitol, Conference Room 229

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

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 998, 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.

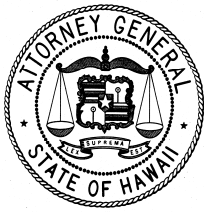
SB 998 clarifies that a prescription may not be issued for detoxification treatment or maintenance treatment unless the practitioner complies with Title 21 of the Code of Federal Regulations section 1301.28, the registration and any requirements of section 329-32(e) of this chapter, and "any other federal or state regulatory standards relating the treatment qualification, security, records, and unsupervised use of drugs."

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February 9, 2017
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Further, SB 998 clarifies two additional situations. The first allows a physician to treat a person to relieve acute 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 referenced in title 21 Code of Federal Regulations section 1306.07 and are included in HB 1132.

Finally, the exclusion wording on page 1, lines 10 – 14 mirrors the wording in Title 21 of the Code of Federal Regulations section 1308.12. We would note that Section 1 of SB 998 from Page 1, line 1 through Page 2 line 14 should also include subsections (2) – (5) of section 328-16(b) as currently written in the enacted statute.

Thank you for the opportunity to present this testimony.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2017**

ON THE FOLLOWING MEASURE:

S.B. NO. 998, RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

BEFORE THE:

SENATE COMMITTEES ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH AND ON
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

DATE: Thursday, February 9, 2017 **TIME:** 1:15 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Laura Maeshiro, Deputy Attorney General

Chairs Baker and Nishihara and Members of the Committees:

The Department of the Attorney General ("Department") supports this bill and recommends an amendment.

This measure serves to clarify that medical practitioners are authorized to prescribe medications such as Suboxone for the treatment of drug addiction by amending chapter 329, Hawaii Revised Statutes (HRS). All amendments to section 329-38(f), HRS, are made to be consistent with federal law, which allows prescribing authorization of drugs including buprenorphine and naloxone to patients undergoing detoxification treatment and maintenance treatment by practitioners who are properly registered.

Buprenorphine is classified as a Schedule III drug pursuant to section 329-18(7), HRS, and is an ingredient of Suboxone.

The proposed addition to section 329-38(f), HRS, of the new paragraph (7) on page 7, line 1, of the measure clarifies that practitioners may prescribe any Schedule III, IV, or V narcotic drug for the purpose of drug addiction maintenance or detoxification treatment. This wording is taken directly from the Code of Federal Regulations at 21 C.F.R. section 1306.07.

Another ingredient of Suboxone is naloxone, which is described as an opioid antagonist that aids to block the effects of opioid medication. Federal laws have

expressly excluded naloxone and its derivatives from its Schedule II, even though it is not a controlled substance. See 21 C.F.R. section 1308.12. For consistency and clarity, this measure proposes the same exclusion of naloxone and other substances as in the federal counterpart to chapter 329, by making an amendment to section 329-16 (b)(1) in section 1 of the measure.

Please note that there is a drafting error in section 1 in that section 329-16(b) is not set forth in its entirety. If this measure is passed, an amendment to set forth subsection (b) in its entirety would be necessary.

This measure also includes other edits that are suggested for clarity and consistency with the federal law.

The Department of the Attorney General respectfully requests that the measure be passed, with the suggested amendments.



SB 998 Controlled Substances (Suboxone): Updates chapter 329, Hawaii Revised Statutes as follows: amends sections 329-16 and 329-38(f) to be consistent with federal law which allows prescribing authorization of drugs including buprenorphine and naloxone to patients undergoing detoxification treatment and maintenance treatment by practitioners who are properly registered. Requires 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.

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND HEALTH

- Senator Rosalyn Baker, Chair; Senator Clarence Nishihara Vice Chair

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS:

- Senator Clarence Nishihara, Chair; Senator Glenn Wakai, Vice Chair
- Thursday, Feb. 9, 2017: 1:15 p.m.
- Conference Room 229

HAWAII SUBSTANCE ABUSE COALITION (HSAC) Supports SB998 subject to Recommendations:

ALOHA CHAIRS BAKER, NISHIHARA, VICE CHAIRS NISHIHARA, 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 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 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.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 9:26 PM
To: CPH Testimony
Cc: julianna@actionwithaloha.com
Subject: *Submitted testimony for SB998 on Feb 9, 2017 13:15PM*

SB998

Submitted on: 2/6/2017

Testimony for CPH/PSM on Feb 9, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Julianna Moefu-Kaleopa	Action with Aloha	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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DATE: February 8, 2017

TO: Senator Rosalyn Baker
Chair, Committee on Commerce, Consumer Protection, and Health

Senator Clarence Nishihara
Chair, Committee on Public Safety, Intergovernmental, and Military Affairs

Submitted Via Capitol Website

RE: **S.B. 998 – Relating to the Uniform Controlled Substances Act**
Hearing Date: Thursday, February 9, 2017 at 1:15 p.m.
Conference Room: 229

Dear Chairs Baker and Nishihara and Members of the Joint Committees:

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. 998, which amends Hawaii's controlled substances act to be consistent with federal law, which permits qualified practitioners to administer, dispense, and prescribe detoxification treatments and maintenance treatments to practitioners who are properly registered.

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. 998 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.

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

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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.