Honolulu, Hawaii

Rebruay 16, 2018

RE: H.B. No. 1602 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2018 State of Hawaii

Sir:

Your Committee on Health & Human Services, to which was referred H.B. No. 1602 entitled:

"A BILL FOR AN ACT RELATING TO OPIOIDS,"

begs leave to report as follows:

The purpose of this measure is to require a seller of opioid drugs to warn of the risks of addiction and death, by displaying a warning label on the drug container.

The Department of Public Safety, Hawaii Chapter of the American Physical Therapy Association, Walgreen Co., and Hawaii Substance Abuse Coalition testified in support of this measure. The Department of Health provided comments on this measure.

Your Committee notes that the Department of Public Safety has expressed concerns that the labeling requirements of section 329-38, Hawaii Revised Statutes, may be applicable to this measure. A violation of section 329-38 constitutes a class C felony under section 329-41, Hawaii Revised Statutes. Accordingly, the language in this measure may have the unintended consequence of exposing physicians to substantial penalties. Should this measure receive further consideration from your Committee on Consumer Protection and Commerce, your Committee requests that this concern be addressed.

Your Committee has amended this measure by:

- (1) Removing the requirement that the warning label be printed in not less than fourteen-point font;
- (2) Changing the labeling requirement to an authorization for the inclusion of the warning label on the packaging of any opioid drug dispensed by a licensed health care professional or pharmacist;
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style; and
- (4) Changing the effective date to July 1, 3000, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Health & Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1602, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1602, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on behalf of the members of the Committee on Health & Human Services,

JOHN M. MIZUNO, Ohair

## State of Hawaii House of Representatives The Twenty-ninth Legislature

HSCR 726-18

## Record of Votes of the Committee on Health & Human Services

HB 1602	Committee Referral:	Date:	2-1-18	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
HHS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)				
A WODAWASHI DA A MAKSI				
2. KOBAYASHI, Bertrand (VC)				
3. BELATTI, Della Au		Section 19 Control of the Control of		
4. LEARMONT, Lei R.				
5. TUPOLA, Andria P.L.				
5. TUFOLA, Aliuria F.L.				
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TOTAL (5)	5			
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				