

Honolulu, Hawaii

APR 25 2019

RE: S.B. No. 536
S.D. 2
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 536, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PRESCRIPTIONS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to clarify that existing law intended to curb over-access to and abuse of opioids, including the time frame for filling prescriptions, supply limitations, and requirements to check the state electronic prescription accountability system and execute an informed consent process, do not apply to qualifying patients who are prescribed or issued prescriptions pursuant to the State's Our Care, Our Choice Act.

Your Committee on Conference finds that existing law requires that certain controlled substances be picked up within seven days after being filled. For terminally ill patients, there is a convenience and diminished risk of accidental poisoning if



medication is stored securely in a pharmacy as opposed to a private residence. This measure allows medication that is prescribed pursuant to the Our Care, Our Choice Act, otherwise known as medical aid in dying, to be filled and held by the pharmacy for not more than thirty days to provide this convenience and safeguard for terminally ill patients and diminishes the administrative burden on physicians attending to qualified patients pursuant to the Our Care, Our Choice Act.

Your Committee on Conference notes that this measure makes certain temporary amendments to sections 329-38(c), 329-38.2(b), and 329-38.5(c) of the Hawaii Revised Statutes that your Committee on Conference intends to last until June 30, 2023.

Thus, your Committee on Conference notes that this measure intentionally omits a repeal and reenactment provision as it relates to sections 329-38.5(c) and 329-38.2(b), Hawaii Revised Statutes, as the amendments made by this measure are essentially exclusions from applicability of those subsections and therefore cannot stand alone once Act 66 and Act 153 are repealed. However, should the Legislature choose to extend or make permanent the amendments made by Act 66 and Act 153 prior to the June 30, 2023 repeal date, the Legislature may decide at that time whether to also preserve the changes made to sections 329-38.5(c) and 329-38.2(b), Hawaii Revised Statutes, by this measure.

Your Committee on Conference has amended this measure by:

- (1) Changing its effective date to upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.


As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 536, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 536, S.D. 2, H.D. 1, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE




JOHN M. MIZUNO
Co-Chair




ROSALYN H. BAKER
Chair



CHRIS LEE
Co-Chair



KARL RHOADS
Co-Chair



BERTRAND KOBAYASHI
Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 536, SD 2, HD 1	Date/Time: 4-18-19 10:43 AM
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
BAKER, Rosalyn H., Chr.	✓				MIZUNO, John M., Co-Chr.	✓			
RHOADS, Karl, Co-Chr.	✓				LEE, Chris, Co-Chr.	✓			
RUDERMAN, Russell E.	✓				KOBAYASHI, Bertrand, Co-Chr.	✓			
FEVELLA, Kurt	✓				WARD, Gene	✓			
TOTAL	4	-	-	-	TOTAL	4	-	-	-

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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