



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on SB536 SD1
RELATING TO PRESCRIPTIONS.**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: February 21, 2019

Room Number: 016

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** The Department of Health offer the following Comments on SB536
3 SD1.

4 Page 1, Lines 9 – 13: Proposed amendments provide that medication prescribed pursuant to
5 chapter 327L, the “Our Care, Our Choice Act,” otherwise known as medical aid in dying, may be
6 filled and held by the pharmacy for not more than thirty days. Current statute requires certain
7 controlled substances to be picked up after being filled within seven days.

8 The department acknowledges the convenience for terminally ill patients and the diminished risk
9 for accidental poisoning if the medication is stored securely in a pharmacy as opposed to a
10 private residence. However, DOH is unable to comment since a thorough review of federal
11 controlled substances laws is not yet complete and therefore takes no position.

12 Bill Section 5: The Department of Health notes that revisions included in SB536, if enacted as
13 drafted, will be repealed on June 30, 2023. Section 329-38, HRS, was revised in 2017 (as Act
14 66) and included a repeal and reenactment language, therefore any amendments after July 1,
15 2017 will be repealed.

16 **Offered Amendments:** The department defers to Legislative drafting agencies for precise
17 amendments but offers the following, if the intent of the Legislature is to keep the revisions in

1 SB536, wording that exempts future amendments from being repealed is required. An example
2 may be as follows:

3 “SECTION 6. This Act shall take effect on July 1, 2017, and shall be repealed on June 30, 2023;
4 provided that sections 329-38 and 457-12 (a) , Hawaii Revised Statutes, shall be reenacted in the
5 form in which they read on the day prior to the effective date of this Act.”

6 Also note that sections 329-38.2 and 329-38.5, HRS, will be repealed in its entirety on June 30,
7 2023. This may be acceptable for purposes of SB536 since the revisions are just adding an
8 exemption for qualifying patients pursuant to chapter 327L, HRS.

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SB-536-SD-1

Submitted on: 2/19/2019 9:59:55 PM

Testimony for JDC on 2/21/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments: