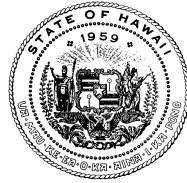


SB536

Measure Title:	RELATING TO PRESCRIPTIONS.
Report Title:	Our Care, Our Choice; Opioids; Prescriptions
Description:	Clarifies 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.
Companion:	HB690
Package:	None
Current Referral:	CPH, JDC
Introducer(s):	BAKER, S. CHANG, J.KEOHOKALOLE, KIDANI, RUDERMAN, Moriwaki, Nishihara



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

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

Hearing Date: February 12, 2019

Room Number: 229

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

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

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

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

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12 drafted, will be repealed on June 30, 2023.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14 2017 will be repealed.

15 **Offered Amendments:** The department defers to Legislative drafting agencies for precise
16 amendments but offers the following, if the intent of the Legislature is to keep the revisions in
17 SB536, wording that exempts future amendments from being repealed is required. An example
18 may be as follows:

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 This Act shall take effect on July 1, 2017, and shall be repealed on June 30, 2023;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

4 Also note that sections 329-38.2 and 329-38.5, HRS, will be repealed in its entirety on June 30,
5 2023. This may be acceptable for purposes of SB536 since the revisions are just adding an
6 exemption for qualifying patients pursuant to chapter 327L, HRS.

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