

**STATE OF HAWAII
DEPARTMENT OF HEALTH**

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**Testimony in SUPPORT of HB 1659 HD3
RELATING TO HEALTH**

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

Hearing Date: March 12, 2020

Room Number: 229

1 **Fiscal Implications:** N/A

2 **Department Testimony:** The Department supports this measure and provides the following
3 comments for Section 1 of the measure, which were vetted by the Deputy Attorney General; and
4 respectfully requests consideration of a proposed Section 2.

5 **Regarding Section 1 of this measure** chapter 328, Hawaii Revised Statutes (HRS), would be
6 amended by adding a new section that would allow a pharmacy to provide a customized patient
7 medication package, defined as a package of one or more solid oral dosage forms prepared by a
8 pharmacist for a specific patient, to any patient of an institutional facility or any member of the
9 general public with an otherwise valid prescription and appropriate consent.

10 We recommend that page 1, lines 6-7 of this bill be amended to simply refer to "any
11 person" rather than "any patient of an institutional facility or any member of the general public."
12 This change would also make it unnecessary to define the term "institutional facility" and,
13 consequently, we suggest that this definition be removed (page 2, lines 4-5). Chapter 328
14 currently contains a definition of "pharmacy" and "pharmacist," therefore we suggest that these
15 two terms not be defined further in this measure. These two definitions may be removed (page

1 2, lines 6-8). Currently, chapter 328 does not restrict the ability of a pharmacy or pharmacist to
2 provide customized patient medication packages to any person with a valid prescription.
3 However, the requirement of "consent," is new and creates a requirement where none existed
4 before. Thus, the bill should be amended to clarify how consent can be given. If the Legislature
5 intends for the patient, patient's caregiver, patient's guardian, or the prescribing practitioner to
6 provide written consent, which could incidentally serve as a record the pharmacy may then be
7 required to retain, we suggest clarification to this effect on page 1, line 8. If, however, verbal
8 consent is all that is intended (i.e., over the telephone), we similarly recommend that this be
9 clarified. Please note that existing section 328-16(c), HRS, defines how "oral prescriptions"
10 must be recorded by a pharmacist and existing section 328-17.7(a), HRS, mandates that certain
11 prescription information be maintained by a pharmacist for a period of five (5) years. These
12 sections could be used to further define the concept of "consent" envisioned by this measure.

13 The Department also respectfully requests an amendment to this measure in a proposed
14 SECTION 2 that would update chapter 329 of the Hawaii Revised Statutes (HRS) to make it
15 consistent with federal law. Three new controlled substances were incorporated under the
16 federal Controlled Substances Act and temporarily scheduled them in Hawaii in 2019. These
17 three new controlled substances are powerful illegal opioids.

18 The following substances were scheduled by the Federal Government in 2019:

- 19 1. 4-fluoroisobutyryl fentanyl or para-fluoroisobutyryl fentanyl [N-(4-fluorophenyl)-
20 N-(1-phenethylpiperidin-4-yl)isobutyramide];
- 21 2. Acryl fentanyl or acryloylfentanyl [N-(1-phenethylpiperidin-4-yl)-N-
22 phenylacrylamide];and

1 3. Ocfentanil [N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)
2 acetamide]."

3 If these changes are not enacted as proposed below with an amendment, Hawaii law
4 enforcement would not be able to take action when these three new powerful illegal opioids are
5 found in Hawaii.

6 The department continues to work closely with the Department of Public Safety and other
7 law enforcement entities to assure that we maintain a balanced public health/public safety
8 approach to opioid and other substance abuse issues in Hawaii. We feel strongly that the addition
9 to this measure supports the goals and objectives of the Hawaii Opioid Initiative and other
10 related efforts.

11 **Offered Amendments:** The Department respectfully requests that this measure be
12 amended by inserting a Section 2 into HB 1659, HD 3 on page 2, line 7 as follows:

13 SECTION 2. Section 329-14, Hawaii Revised Statutes, is amended by amending subsection (b)
14 to read as follows:

15 "(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
16 of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these
17 isomers, esters, ethers, and salts is possible within the specific chemical designation:

- 18 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-
19 phenylacetamide);
20 (2) Acetylmethadol;
21 (3) Allylprodine;

- 1 (4) Alphacetylmethadol (except levo-alphacetylmethadol, levomethadyl acetate, or
- 2 LAAM);
- 3 (5) Alphameprodine;
- 4 (6) Alphamethadol;
- 5 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]
- 6 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
- 7 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidiny]-N-
- 8 phenylpropanamide);
- 9 (9) Benzethidine;
- 10 (10) Betacetylmethadol;
- 11 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidiny]-N-
- 12 phenylpropanamide);
- 13 (12) Beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-
- 14 piperidiny]-N-phenylpropanamide);
- 15 (13) Betameprodine;
- 16 (14) Betamethadol;
- 17 (15) Betaprodine;
- 18 (16) Clonitazene;
- 19 (17) Dextromoramide;
- 20 (18) Diampromide;
- 21 (19) Diethylthiambutene;
- 22 (20) Difenoxin;

- 1 (21) Dimenoxadol;
- 2 (22) Dimepheptanol;
- 3 (23) Dimethylthiambutene;
- 4 (24) Dioxaphetyl butyrate;
- 5 (25) Dipipanone;
- 6 (26) Ethylmethylthiambutene;
- 7 (27) Etonitazene;
- 8 (28) Etoxidine;
- 9 (29) Furethidine;
- 10 (30) Hydroxypethidine;
- 11 (31) Ketobemidone;
- 12 (32) Levomoramide;
- 13 (33) Levophenacymorphan;
- 14 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-
15 phenylpropanamide);
- 16 (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-
17 phenylpropanamide);
- 18 (36) Morpheridine;
- 19 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 20 (38) Noracymethadol;
- 21 (39) Norlevorphanol;
- 22 (40) Normethadone;

- 1 (41) Norpipanone;
- 2 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]
3 propanamide;
- 4 (43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 5 (44) Phenadoxone;
- 6 (45) Phenampromide;
- 7 (46) Phenomorphan;
- 8 (47) Phenoperidine;
- 9 (48) Pir tramide;
- 10 (49) Proheptazine;
- 11 (50) Properidine;
- 12 (51) Propiram;
- 13 (52) Racemoramide;
- 14 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
- 15 (54) Tilidine;
- 16 (55) Trimeperidine;
- 17 (56) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical
18 isomers, salts, and salts of isomers;
- 19 (57) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its
20 optical isomers, salts, and salts of isomers;
- 21 (58) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, (acetyl fentanyl), its optical,
22 positional, and geometric isomers, salts, and salts of isomers;

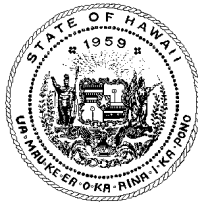
- 1 (59) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide), its
2 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;
- 3 (60) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, its isomers, esters, ethers,
4 salts, and salts of isomers, esters, and ethers (Other names: Butyryl fentanyl);
- 5 (61) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide,
6 its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: beta-
7 hydroxythiofentanyl);
- 8 (62) N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide, its isomers, esters,
9 ethers, salts, and salts of isomer, esters, and ethers (Other names: Furanyl fentanyl); ~~and~~
- 10 (63) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide, its isomers,
11 esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: U-47700)[-];
- 12 (64) 4-fluoroisobutyryl fentanyl or para-fluoroisobutyryl fentanyl [N-(4-fluorophenyl)-
13 N-(1-phenethylpiperidin-4-yl)isobutyramide];
- 14 (65) Acryl fentanyl or acryloylfentanyl [N-(1-phenethylpiperidin-4-yl)-N-
15 phenylacrylamide]; and
- 16 (66) Ocfentanil [N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-
17 yl)acetamide]."

18 By inserting the proposed Section 2, the following technical amendments are also
19 proposed.

20 "SECTION 2 3. New statutory material is underscored."

21 "SECTION 3 4. This Act shall take effect upon its approval."

- 1 The Department thanks the Legislature for its support of amendments that are responsive
- 2 to addressing opioid and other substance misuse issues in our state.



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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Honolulu, Hawaii 96814

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No. _____

TESTIMONY ON HOUSE BILL 1659, HOUSE DRAFT 3
RELATING TO HEALTH

by
Nolan P. Espinda, Director

Senate Committee on Commerce, Consumer Protection and Health
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

Thursday, March 12, 2020; 9:30 a.m.
State Capitol, Conference Room 229

Chair Baker, Vice Chair Chang, and Members of the Committee:

House Bill (HB) 1659, House Draft (HD) 3, proposes to authorize a pharmacy to provide a customized patient medication package to any person upon consent, with a valid prescription, and in compliance with labeling and dispensing requirements.

The Department of Public Safety respectfully requests an amendment to this measure that would update chapter 329 of the Hawaii Revised Statutes (HRS) to make it consistent with federal law. Three new controlled substances were incorporated under the federal Controlled Substances Act and temporarily scheduled in Hawaii in 2019. These three new controlled substances are powerful illegal opioids.

The following substances were scheduled by the Federal Government in 2019:

1. 4-fluoroisobutyryl fentanyl or para-fluoroisobutyryl fentanyl [N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide];
2. Acryl fentanyl or acryloylfentanyl [N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide]; and
3. Ocfentanil [N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide].

Under section 329-11(d), HRS, PSD's temporary designation of a new controlled substance shall be nullified if in the next regular session, the State Legislature has not made the corresponding changes to state law. Failure to pass this measure with an amendment as proposed below would mean that law enforcement would not be able to take action when these three new powerful illegal opioids are found in Hawaii. PSD requests an amendment to this measure to mirror the recent changes to the federal Controlled Substances Act, thereby eliminating differences between federal and state law.

PSD respectfully requests that this measure be amended by inserting Section 2 into HB 1659, HD 3 at page 2, line 7 as follows:

"SECTION 2. Section 329-14, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
- (2) Acetylmethadol;
- (3) Allylprodine;
- (4) Alphacetylmethadol (except levo-alphacetylmethadol, levomethadyl acetate, or LAAM);
- (5) Alphameprodine;
- (6) Alphamethadol;
- (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
- (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

- (9) Benzethidine;
- (10) Betacetylmethadol;
- (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
- (12) Beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);
- (13) Betameprodine;
- (14) Betamethadol;
- (15) Betaprodine;
- (16) Clonitazene;
- (17) Dextromoramide;
- (18) Diampromide;
- (19) Diethylthiambutene;
- (20) Difenoxin;
- (21) Dimenoxadol;
- (22) Dimepheptanol;
- (23) Dimethylthiambutene;
- (24) Dioxaphetyl butyrate;
- (25) Dipipanone;
- (26) Ethylmethylthiambutene;
- (27) Etonitazene;
- (28) Etoxeridine;
- (29) Furethidine;
- (30) Hydroxypethidine;
- (31) Ketobemidone;
- (32) Levomoramide;
- (33) Levophenacymorphan;

- (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
- (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (36) Morpheridine;
- (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- (38) Noracymethadol;
- (39) Norlevorphanol;
- (40) Normethadone;
- (41) Norpipanone;
- (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);
- (43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- (44) Phenadoxone;
- (45) Phenampromide;
- (46) Phenomorphan;
- (47) Phenoperidine;
- (48) Pir tramide;
- (49) Proheptazine;
- (50) Properidine;
- (51) Propiram;
- (52) Racemoramide;
- (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl) ethyl-4-piperidinyl]-propanamide);
- (54) Tilidine;
- (55) Trimeperidine;
- (56) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and salts of isomers;

- (57) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts, and salts of isomers; ~~and~~
- (58) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, (acetyl fentanyl), its optical, positional, and geometric isomers, salts and salts of isomers~~[-];~~
- (59) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide), its isomers, esters, ethers, salts, and salts of isomers, esters and ethers;
- (60) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other names: Butyryl fentanyl);
- (61) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other names: beta-hydroxythiofentanyl);
- (62) N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (other names: Furanyl fentanyl);
- (63) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other names: U-47700)~~[-];~~
- (64) 4-fluoroisobutyryl fentanyl or para-fluoroisobutyryl fentanyl [N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide];
- (65) Acryl fentanyl or acryloylfentanyl [N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide]; and
- (66) Ocfentanil [N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide]."

By inserting Section 2, the following technical amendments are also proposed.

First, page 2, line 7, amended to reflect: "SECTION 23. New statutory material is

Testimony on HB 1659, HD 3
Senate Committee on Commerce,
Consumer Protection, and Health
Thursday, March 12, 2020
Page 6

underscored." Second, page 2, line 8 amended to reflect: "SECTION ~~34~~. This Act shall take effect upon its approval."

PSD respectfully requests this amendment to make state law consistent with federal law. This proposed amendment will protect our community by prohibiting three new dangerous controlled substances that are very powerful illegal opioids and support the goals of Hawaii's collaborative Opioid Action Plan. This proposed revision will also serve to enhance the effectiveness of Hawaii's narcotics enforcement efforts. Failure to pass this measure with the proposed amendment would mean that law enforcement would not be able to take action when these three new controlled substances are found in Hawaii.

Thank you for the opportunity to testify on this measure.

HB-1659-HD-3

Submitted on: 3/9/2020 8:02:28 AM

Testimony for CPH on 3/12/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Derek Tengan	Individual	Support	No

Comments:

Senator Rosalyn H. Baker, Chair

Senator Stanley Chang, Vice Chair

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Derek Tengan

5 Minute Pharmacy

916 Gulick Ave. Suite A

Honolulu, HI 96819

Monday 3/9/2020

Support for Bill HB1659 HD3

I request a review of the start date of this Bill. In its current language, the bill states, "SECTION 3. This Act shall take effect on July 1, 2050". The need for better care for our Kupuna is urgent and a start date of July 1, 2020 would be welcomed by patients, caregivers, nurses and staff.

Ensuring patient safety is essential. With customized patient medication packaging, pharmacies can ensure a high level of safety and adherence for their patients. Each dose is conveniently packaged in a pouch and labeled in a customized patient medication package meeting the requirements of HRS section 328-16. The date and time of administration is also on the label so that patients can easily see when they should take the contents of each pouch. In my experience, prepackaged pills for multiple chronic conditions can be better for the patient and caregivers.

Please support the passage of HB1659 HD3

Thank you.

HB-1659-HD-3

Submitted on: 3/9/2020 8:11:28 AM

Testimony for CPH on 3/12/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elie Kato	Individual	Support	Yes

Comments:

Senator Rosalyn H. Baker, Chair

Senator Stanley Chang, Vice Chair

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Elie Kato

5 Minute Pharmacy

916 Gulick Ave. Suite A

Honolulu, HI 96819

Monday 3/9/2020

Support for Bill HB1659 HD3

I noticed the start date for this act is July 1, 2050. I request the committee review the start date and support a start date in 2020 instead. The impact of this bill is not only far reaching but will have an immediate impact on patient care. We at the pharmacy have heard from caregivers. They claim they will start using strip packaged medications for patients as soon as legislation allows.

Customized patient medication packaging, can help improve the lives of patients, their caregivers, nursing home nurses and staff. If you've ever had to manage the medications for your loved ones, you will understand the complexity that can arise when there are multiple medications with multiple dosing instructions. The management of these medications can be complicated by changes in medications, pill color, sizes and dosing. That is why strip packaging or prepackaged pills for multiple chronic conditions

can be better for the patient and caregivers. This type of packaging will save time, time that we can spend taking care of our loved one.

Please support the passage of HB1659 HD3

Thank you.

HB-1659-HD-3

Submitted on: 3/9/2020 8:25:50 AM

Testimony for CPH on 3/12/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joo Kim	Individual	Support	Yes

Comments:

Senator Rosalyn H. Baker, Chair

Senator Stanley Chang, Vice Chair

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Joo Kim

5 Minute Pharmacy

916 Gulick Ave. Suite A

Honolulu, HI 96819

Monday 3/9/2020

Support for Bill HB1659 HD3

This bill is meant to support the patients whose quality of life is in the hands of other people. These people can be a family member, a friend or a paid assistant. In all of these circumstances, the care of the patient can be improved with the passage of this bill. Patients with multiple chronic conditions or their caregivers have the daily burden of allocating their medications into their pill holders. Often, these medications are placed in their pill holder boxes based memory of tablet's color and shape. Changes to these routines are difficult to adjust to, can be confusing and may complicate medical treatment. That is why strip packaging can be beneficial to the patient. Medication packaging systems can ultimately lead to improved medication identification, safety, ease of dispensing, and ease of administration in long-term care facilities or at home with the patient or caregiver.

Based on feedback from patients and caregivers that have used strip packaging, they love the time it saves and feel it is much safer than allocating the pills themselves. The time saved using strip packaging also has implications for quality of care and the movement towards person-centered care. Caregivers or nurses in nursing homes using strip packaging potentially have more time to devote to nurturing a relationship with the resident.

Please support the passage of HB1659 HD3

Thank you.