

STAND. COM. REP. NO.

2172

Honolulu, Hawaii

FEB 09 2022

RE: S.B. No. 3140
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and
Military Affairs, to which was referred S.B. No. 3140 entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED
SUBSTANCES ACT MANDATORY REPORTING,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the holder of a controlled substances registration to immediately verbally report the theft, embezzlement, fraud, or diversion of a controlled substance from the holder's inventory;
- (2) Require the submission of a written report to the administrator of the Narcotics Enforcement Division that provides all information related to the theft, embezzlement, fraud, or diversion of controlled substances in the holder's inventory; and
- (3) Establish a misdemeanor penalty for a person who prevents another from reporting, or who knowingly fails to report and provide information as required.

Your Committee received testimony in support of this measure from the Department of Public Safety. Your Committee received



testimony in opposition to this measure from the Libertarian Party of Hawaii.

Your Committee finds that the Department of Public Safety has encountered many instances where incidents of theft, embezzlement, fraud, and diversion of controlled substances were not reported in a timely manner. Frequently, such incidents involve licensed health care workers such as physicians and nurses who work in large health care companies in Hawaii, and the Department of Public Safety has found that there is significant reluctance in healthcare to report such incidents. Consequently, if incidents are not reported in a timely manner due to reluctance to report, then the likelihood that the incidents can be resolved is significantly reduced. This measure will assist the Department of Public Safety in combating theft, embezzlement, fraud, and diversion of controlled substances by requiring the holder of a controlled substances registration to immediately issue a verbal report and a subsequent written report of any theft, embezzlement, fraud, or diversion of controlled substances and by establishing a misdemeanor penalty for a person who prevents another from reporting, or who knowingly fails to provide information as required.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3140, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3140, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,

Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SB 3140</div>	Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">PSM, JDC</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">2/3/2022</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended <small>2312</small>	<input checked="" type="checkbox"/> Pass, with amendments <small>2311</small>	<input type="checkbox"/> Hold <small>2310</small>		
<input type="checkbox"/> Recommit <small>2313</small>				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
DECOITE, Lynn (VC)	✓			
BAKER, Rosalyn H.				✓
RIVIERE, Gil	✓			
FEVELLA, Kurt	✓			
TOTAL	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<div style="font-size: 1.5em; font-family: cursive;">Lynn Decoite</div>				
Distribution:				
Original <small>File with Committee Report</small>	Yellow <small>Clerk's Office</small>	Pink <small>Drafting Agency</small>	Goldenrod <small>Committee File Copy</small>	

*Only one measure per Record of Votes