

STAND. COM. REP. NO. 1141

Honolulu, Hawaii

MAR 16 2023

RE: H.B. No. 378
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred H.B. No. 378, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Include as a factor for determining whether the issuance of a controlled substances registration is in the public interest, the prevention of activities within an applicant's areas that are potentially injurious to the health, safety, and welfare of the public and neighborhood;
- (2) Establish a Substance Use Disorder Services Clinic Working Group to collaborate and consult on issues relating to addiction recovery and public safety; and
- (3) Require the Substance Use Disorder Services Clinic Working Group to report to the Legislature before the Regular Session of 2024.

Your Committee received testimony in support of this measure from the Department of Public Safety, Department of Education, Department of Health, and one individual. Your Committee received



testimony in opposition to this measure from the CHAMP Clinic and fifty-one individuals. Your Committee received comments on this measure from the Hawai'i Primary Care Association and Hawaii Substance Abuse Coalition.

Your Committee finds that every person who manufactures, distributes, prescribes, dispenses, or conducts reverse distribution with any controlled substance within this State is required to obtain a controlled substance registration issued by the Department of Public Safety. When issuing the registration, the Department is required to determine whether doing so would be inconsistent with the public interest based on numerous factors, including factors relevant to and consistent with the public health and safety. This measure provides further protection to the health and safety of neighboring communities by requiring the Department to consider prevention of activities within an applicant's areas that are potentially injurious to the health, safety, and welfare of the public and neighborhood when a new controlled substance registration is being evaluated for issuance. Furthermore, recommendations by the working group established by this measure, comprised of representatives of various state agencies, schools, methadone clinics, and other stakeholders, will be critical for the Legislature to balance the needs of persons receiving treatment for substance use disorders with the needs of public safety.

Your Committee acknowledges the testimony of CHAMP Clinic and its employees and clients attesting to the essential nature of the clinic's current location that is in close proximity to a bus stop, workplaces, and various other medical facilities, but is also within seven hundred fifty feet of a school. Your Committee further acknowledges the testimony of the Department of Education regarding concerns raised by schools pertaining to the proximity of methadone clinics and certain resulting negative conditions such as disturbances to education and effects on the school's safety and security. Your Committee finds that the balancing of patients' needs to access care and schools that must maintain safety for its students is a multi-faceted, complex issue that cannot be resolved easily and requests that future committees that may hear this measure consider the appropriateness of addressing this issue.



Accordingly, your Committee has amended this measure by inserting an effective date of June 30, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 378, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 378, H.D. 2, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



