

STAND. COM. REP. NO. 1814

Honolulu, Hawaii

APR 06 2023

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

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

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 378, H.D. 2, S.D. 1, 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; and
- (2) Establish a Substance Use Disorder Services Clinic Working Group to develop recommendations to balance the needs of persons receiving treatment for substance use disorders with the needs of public safety and report to the Legislature.

Your Committee received testimony in support of this measure from the Department of Law Enforcement, Department of Health, Department of Education, Department of Public Safety, and one individual. Your Committee received testimony in opposition to this measure from CHAMP Clinic, and nine individuals. Your



Committee received comments on this measure from the Hawaii Substance Abuse Coalition, Hawai'i Health & Harm Reduction Center, and one individual.

Your Committee finds that any person who manufactures, dispenses, prescribes, distributes, or conducts reverse distribution of certain controlled substances in the State must apply and obtain a registration from the Department of Public Safety. The Department of Public Safety is required to determine whether issuing a registration would be inconsistent with public policy by examining specific factors listed in existing law. This measure adds additional factors the Department of Safety must consider in determining whether issuing a registration would be inconsistent with public policy and establishes a working group to recommend solutions to properly balance certain substance abuse treatment locations with public health and safety needs.

Your Committee has amended this measure by:

- (1) Deleting language that would have included the prevention of activities within an applicant's areas that are potentially injurious to the health, safety, and welfare of the public and neighborhood as a factor for determining whether the issuance of a controlled substances registration is in the public interest; and
- (2) 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 378, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 378, H.D. 2, S.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,



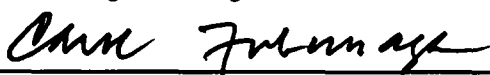
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JARRETT KEOHOKALOLE, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB378 HD2 SD1	HHS, CPN	4/6/23		
<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 type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
MCKELVEY, Angus L.K.				✓
RICHARDS, III, Herbert M. "Tim"	✓			
AWA, Brenton				✓
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes