



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony in SUPPORT of SB0957
RELATING TO OVERDOSE PREVENTION

SENATOR JOY SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date: February 10, 2025 @ 1:20 pm

Room Number: 225

1 **Fiscal Implications:** None.

2 **Department Position:** The Department of Health ("Department") SUPPORTS this measure.

3 **Department Testimony:** The Communicable Disease and Public Health Nursing Division
4 (CDPHND) provides the following testimony on behalf of the Department.

5 Fatal drug overdoses in Hawai'i are increasing, with a growing number attributed to fentanyl
6 and other opioids. From 2018 to 2022, overdose deaths in Hawai'i increased by over 40% and in
7 2023, over 300 people in Hawai'i died from drug overdose. There are also an alarming number
8 of non-fatal overdoses, with Hawai'i hospital emergency departments reporting 6,859 distinct
9 discharges related to drug poisoning between 2018 and 2023 of which 1,484 were related to
10 opioids. Many overdose deaths can be prevented if someone is available to respond quickly to
11 an individual experiencing a drug overdose. Deaths from opioid overdose are particularly
12 preventable.

13 Overdose prevention centers have operated outside the US for over thirty-five years and in the
14 US for several years. There is compelling evidence that these facilities save lives, with no fatal
15 overdoses reported in any overdose prevention center. There are also significant public safety
16 and public health benefits to these facilities, including reductions in public drug use, infectious

1 disease transmission, and improperly discarded syringes, and increases in substance use
2 disorder treatment. Based on available data, these facilities do not appear to lead to increases
3 in drug use, frequency of injecting, or crime near the facilities. Individuals who use overdose
4 prevention centers are less likely to need emergency medical services, emergency room visits,
5 and hospital admissions, resulting in significant cost savings.

6 The Department acknowledges law enforcement concerns that public health harm reduction
7 interventions not undermine law enforcement efforts to combat illegal drug use. The
8 Department is committed to partnering with law enforcement and the criminal legal system to
9 incorporate their input and ensure that this evidence-based approach appropriately balances
10 public health and public safety.

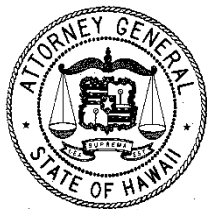
11 Any plans to move forward with potential opening of an overdose prevention center should
12 include meaningful consultation with individuals who would be likely to use such a facility, as
13 well as engagement with other stakeholders, including but not limited to law enforcement,
14 emergency services, hospitals, county governments, community members, and others.

15 How the federal government may respond to overdose prevention centers is unclear. Three
16 overdose prevention centers are currently operating in the US: two in New York have operated
17 since 2021 and one opened in January 2025 in Providence, Rhode Island. Vermont and
18 Minnesota plan to open facilities soon. The Department continues to monitor for
19 developments in other US overdose prevention centers.

20 The Department believes that overdose prevention centers merit serious consideration for their
21 ability to save lives, connect people to treatment, realize cost savings, and keep communities
22 safer.

23 **Offered Amendments:** None

24 Thank you for the opportunity to testify on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.B. NO. 957, RELATING TO OVERDOSE PREVENTION.

BEFORE THE:

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

DATE: Monday, February 10, 2025 **TIME:** 1:20 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Blair Goto, Deputy Attorney General or
Tricia Nakamatsu, Deputy Attorney General

Chair San Buenaventura and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The purposes of the bill are to: (1) establish criteria for the designation of overdose prevention centers (centers), (2) provide immunity or affirmative defenses from state criminal prosecution for persons using and operating a designated overdose prevention center, and (3) require the Director of Health to appoint an Overdose Prevention Center Oversight Committee.

From a public safety perspective, the Department has serious concerns about the presence of centers in our communities. By design, illicit drug users will be encouraged to use illicit drugs in these centers. Having illicit drug users entering and leaving could make these centers—and the areas around them—a lightning rod for illegal activity such as theft, drug trafficking, or human trafficking.

Also, even if state law is amended to allow these centers to operate, they may be subject to federal enforcement. In relevant part, 21 U.S.C. §856(a) provides:

[I]t shall be unlawful to-- . . . (2) manage or control any place, whether permanently or temporarily, either as an owner, lessee, agent, employee, occupant, or mortgagee, and knowingly and intentionally rent, lease, profit from

or make available for use, with or without compensation, the place for the purpose of unlawfully . . . using a controlled substance.

Because the operator of a center would be knowingly and intentionally making available for use a place for the purpose of participants unlawfully using a controlled substance (with the added purpose of providing harm reduction services to participants), the center operator could be in violation of 21 U.S.C. §856(a). Violations of 21 U.S.C. §856 carry severe penalties, including civil penalties of up to \$250,000 and criminal penalties of up to twenty-years imprisonment, a fine of up to \$500,000, or both, or for a person other than an individual, a fine of \$2,000,000. Although the bill provides a center operator with immunity or affirmative defenses for certain state criminal offenses, it cannot provide immunity or defenses to federal prosecution under 21 U.S.C. §856.

Accordingly, if this bill were to pass, a center operator may avoid or defeat prosecution for certain state criminal offenses but may be prosecuted for violating federal law.

Delete Sections 3 and 4 of the bill

If the Committee chooses to proceed with this bill, the Department recommends deleting sections 3 and 4 of the bill (page 12, line 18, to page 15, line 20), as these sections are unnecessary and confusing.

Section 3 provides an exception under section 329-43.5(d), Hawaii Revised Statutes (HRS), which would be inappropriate. Section 329-43.5(d) prohibits advertising "the **sale** of objects designed or intended for use as drug paraphernalia" (emphasis added), but the bill does not indicate that overdose prevention centers intend to sell drug paraphernalia. Additionally, the new paragraph added to subsection 329-43.5(e) on page 14, lines 7-9, is unnecessary because it duplicates immunities already provided in the new section 329-43.5(b) and (c), on page 9, lines 4-15.

Similarly, the amendments to section 712-1240.1, HRS, in section 4 would create affirmative defenses for actions that are already expressly excepted in section 329-43.5, on page 9, line 1, to page 10, line 11.

Amend section 329-43.5(a)

Additionally, the proposed section 329-43.5(a) establishes an Overdose Prevention Center Oversight Committee "to provide assistance and advice in the oversight of

designated prevention centers" (page 10, lines 12-17). Article V, section 6, of the Hawaii State Constitution requires "instrumentalities of the state government and their respective powers and duties [to] be allocated by law and among and within not more than twenty principal departments[.]" To ensure compliance with the constitutional requirement, we recommend amending section -5(a) (page 10, lines 12-17) to explicitly place the oversight committee within the Department of Health, as follows:

(c) The director shall appoint an overdose prevention center oversight committee, to be placed within the department, to provide assistance and advice in the oversight of designated prevention centers and that shall periodically meet with the director or the director's designee to examine available data and monitor effectiveness of the overdose prevention centers.

Corrections

On page 9, line 3, the reference to "section 712-1234" should be replaced with "section 712-1243," which is the offense of promoting dangerous drugs in the third degree. There is no section 712-1234 in HRS.

On page 9, line 17, the word "existing" should be replaced by "exiting".

Thank you for the opportunity to provide comments.

SB-957

Submitted on: 2/4/2025 4:43:21 PM

Testimony for HHS on 2/10/2025 1:20:00 PM

Submitted By	Organization	Testifier Position	Testify
Aaron Ruddick	Testifying for Hep Free Hawaii	Support	Written Testimony Only

Comments:

Dear Chair San Buenaventura , Vice Chair Aquino and members of the committee

I support SB 957. With the overdose epidemic reaching 100,000 deaths a year in the US, more jurisdictions are looking towards Overdose Prevention Centers as an evidence-based way to save lives. Worldwide, there has not been one documented overdose death associated with OPCs and they provide opportunities for people who use drugs to engage in additional lifesaving medical and social services.



February 6, 2025

To: COMMITTEE ON HEALTH AND HUMAN SERVICES
Senator Joy A. San Buenaventura, Chair
Senator Henry J.C. Aquino, Vice Chair

Re: SUPPORT OF SB957 RELATING TO OVERDOSE PREVENTION

Hrg: Monday, February 10, 2025 at 1:20 pm

Aloha Chair San Buenaventura, Vice Chair Aquino and Members of the Committee,

The Hawai'i Public Health Association (HPHA) is a group of over 450 community members, public health professionals, and organizations statewide dedicated to improving public health. Our mission is to promote public health in Hawai'i through leadership, collaboration, education and advocacy.

The Hawaii Public Health Association supports SB957. This measure is important because with the overdose epidemic reaching 100,000 deaths a year in the US, more jurisdictions are looking towards Overdose Prevention Centers as an evidence-based way to save lives. Worldwide, there has not been one documented overdose death associated with OPCs and they provide opportunities for people who use drugs to engage in additional lifesaving medical and social services.

Thank you for the opportunity to provide testimony on this important issue.

Respectfully submitted,

Holly Kessler
Executive Director

TESTIMONY IN SUPPORT OF SB 957

TO: Chair San Buenaventura, Vice Chair Aquino, & HHS Committee Members

FROM: Nikos Leverenz
Policy & Advancement Manager

DATE: February 10, 2025 (1:20 PM)

Hawai'i Health & Harm Reduction Center (HHHRC) ***strongly supports*** SB 957, which establishes criteria for overdose prevention centers (OPCs), including standards for the Department of Health to designate certain facilities as OPCs. The measure also establishes an OPC Oversight Committee and provides immunity from state prosecution for those operating a designated OPC and those using its services.

The National Institute on Drug Abuse (NIDA) at the National Institutes of Health observes that OPCs have operated for over two decades in countries outside of the United States. Significantly, no one has died of a drug at an OPC during that time, with additional research finding that [OPCs “are associated with reduced public drug use and lower demand on local healthcare and emergency response services without an increase in crime.”](#)

Further, [“Observational studies from sites outside the United States show that sanctioned safe consumption sites improve the health of people who use the sites by reducing overdose mortality, infectious disease risk, and drug use and by facilitating access to health and social services.”](#)

The implementation of OPCs in Hawai'i will strengthen the state's ongoing efforts to reduce accidental overdose deaths, including the provision of no-cost nasal naloxone in a range of venues. [New York City currently features two OPCs through OnPointNYC.](#) Since its launch in November 2021, 5,804 participants have been served in 171,712 visits with 1,696 overdose interventions—with ZERO overdose deaths.

As a low-barrier harm reduction services program, OPCs are a key entry point for access to additional health care and other support services to underserved, high acuity individuals

who have difficulty accessing preventative and primary care. Among the services provided by OnPointNYC are chronic condition management, HIV/Hep C testing, wound care, counseling, and buprenorphine for substance use recovery, on-site drug checking, mental health treatment, and holistic services.

At the height of the AIDS crisis in the 1980s, Governor John Waihee’s administration had its Department of Health’s Harm Reduction Services Branch (HRSB) implement a publicly funded syringe access program that continues to keep rates of HIV low among persons who use drugs and their intimate partners while also providing safer sex supplies, health screenings, and linkages to needed health care and support services.

Similarly, Hawai‘i policymakers now have an opportunity to build upon its long-term record of public health successes by empowering today’s HRSB to better meet the urgent health needs of persons from underserved and under-resourced populations.

HHHRC’s mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai‘i and the Pacific. We work with many individuals who are impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those relating to substance use and underlying mental health conditions. Many of our clients and participants have been deeply impacted by trauma, including histories of physical, sexual, and psychological abuse.

Thank you for the opportunity to testify on this salutary measure.

SB-957

Submitted on: 2/4/2025 4:33:26 PM

Testimony for HHS on 2/10/2025 1:20:00 PM

Submitted By	Organization	Testifier Position	Testify
Rick Ramirez	Individual	Support	Written Testimony Only

Comments:

As a healthcare provider who works in this sector (and many others), I cannot express the importance of this bill and the need for this. We need overdose prevention, we need to establish a statewide prevention taskforce and how it would definitely be well received and will help the people of Hawaii. Please pass this bill. I as a healthcare provider I fully support this.

Thanks

Rick Ramirez, DNP, ARPN, FNP-Bc, AGACNP-BC, ENP-C

SB-957

Submitted on: 2/5/2025 7:25:49 AM

Testimony for HHS on 2/10/2025 1:20:00 PM

Submitted By	Organization	Testifier Position	Testify
Keke Walker	Individual	Support	Written Testimony Only

Comments:

Dear Chair San Buenaventura , Vice Chair Aquino and members of the committee

I support SB 957. With the overdose epidemic reaching 100,000 deaths a year in the US, more jurisdictions are looking towards Overdose Prevention Centers as an evidence-based way to save lives. Worldwide, there has not been one documented overdose death associated with OPCs and they provide opportunities for people who use drugs to engage in additional lifesaving medical and social services.

Thank you for your consideration,

Keke Walker

SB-957

Submitted on: 2/5/2025 11:16:31 AM

Testimony for HHS on 2/10/2025 1:20:00 PM

Submitted By	Organization	Testifier Position	Testify
Jason Yaris	Individual	Support	Written Testimony Only

Comments:

Dear Chair San Buenaventura , Vice Chair Aquino and members of the committee

I support SB 957. With the overdose epidemic reaching 100,000 deaths a year in the US, more jurisdictions are looking towards Overdose Prevention Centers as an evidence-based way to save lives. Worldwide, there has not been one documented overdose death associated with OPCs and they provide opportunities for people who use drugs to engage in additional lifesaving medical and social services.

Mahalo

SB-957

Submitted on: 2/7/2025 9:36:28 AM

Testimony for HHS on 2/10/2025 1:20:00 PM

Submitted By	Organization	Testifier Position	Testify
Cindy Nawilis	Individual	Support	Written Testimony Only

Comments:

Dear Chair Buenaventura, Vice Chair Aquino and all members of the committee,

I am writing in support of this bill. Not only should we strive to minimize/eliminate preventable drug overdose deaths, setting up overdose prevention centers additionally gives the benefit of making public areas feel safe again for everyone. I frequently witness drug users inject and administer drugs out in the open in downtown Honolulu and Chinatown area, and this makes those areas feel less safe to walk through and be in, even if they're meant for public use (eg. public parks).

Thank you for your consideration.

SB-957

Submitted on: 2/5/2025 10:03:17 PM

Testimony for HHS on 2/10/2025 1:20:00 PM

Submitted By	Organization	Testifier Position	Testify
Thaddeus Pham	Individual	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino, and HHS Committee Members,

As a public health professional in Hawai'i, I write in strong support of SB957, which establish criteria and oversight for overdose prevention centers (OPCs) in Hawai'i.

Overdose is the leading cause of accidental death in our state, more than car crashes, homicides, and drownings COMBINED. OPCs have been regulated and implemented in other countries and now in some US states. There has never been a fatal overdose at an OPC; instead, there have been increased opportunities for connections to substance treatment, housing, hepatitis C cure, and many other health-related issues.

Please support this chance to save lives and increase connections to care in Hawai'i.

With aloha,

Thaddeus Pham (he/him)

Makiki, HI

LATE

SB-957

Submitted on: 2/9/2025 11:13:06 PM

Testimony for HHS on 2/10/2025 1:20:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Yatsushiro	Individual	Comments	Written Testimony Only

Comments:

You're going to need this service if you pass any of the recreational marijuana use legislation.

SB-957

Submitted on: 2/9/2025 4:20:46 PM

Testimony for HHS on 2/10/2025 1:20:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Carla Allison	Individual	Support	Written Testimony Only

Comments:

I strongly support SB957 Hawaii needs to not stand by as the overdose epidemic takes our loved ones. Overdose Prevention Centers provide life saving medical and social services. Please support SB957.

Thank you,

Carla Allison - Honolulu