

Honolulu, Hawaii

April 24, 2008

RE: S.B. No. 2373
S.D. 1
H.D. 2
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2373, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE SALES,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to reduce the purchase of pseudoephedrine containing products for the purpose of manufacturing methamphetamines by requiring pharmacies and retailers to maintain an electronic log of pseudoephedrine and pseudoephedrine combination product sales and transmit the information to the Department of Public Safety Narcotics Enforcement Division on a monthly basis.

Your Committee on Conference finds that many of the retail stores in the State that are able to sell pseudoephedrine products, are not pharmacies and are unable to verify prior pseudoephedrine sales with their other retail counterparts. Thus, an individual has the ability to visit multiple retail chain stores and obtain 3.6



grams of pseudoephedrine per visit without the retailer being able to verify or track the individual's previous purchases that day. This bill will curtail the purchase of pseudoephedrine products for the manufacturing of methamphetamines, and assist law enforcement in their efforts in verifying and tracking pseudoephedrine sales.

Your Committee on Conference has amended this bill by:

- (1) Adopting language suggested by the Narcotics Enforcement Division of the Department of Public Safety that amends section 329-75, Hawaii Revised Statutes, by:
 - (A) Deleting language that refers to a pharmacy or retailer dispensing controlled substances;
 - (B) Creating a class C felony penalty for any person who is guilty of knowingly purchasing, possessing, or receiving more than nine grams of any product containing a detectable quantity of pseudoephedrine without a valid prescription within a thirty-day period; and
 - (C) Creating a misdemeanor and the immediate license suspension penalty for any retailer who intentionally or knowingly fails to transmit any information on the electronic log; and
- (2) Changing the effective date of this measure from January 1, 2050, to July 1, 2008 and changing the implementation deadline for pharmacies and retailers to establish the electronic log from January 1, 2050, to January 1, 2010; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2373, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2373, S.D. 1, H.D. 2, C.D. 1.



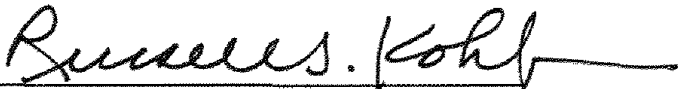
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



JOSHUA B. GREEN, M.D., Co-Chair




RUSSELL S. KOKUBUN, Chair



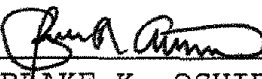
CINDY EVANS, Co-Chair



BRIAN T. TANIGUCHI, Co-Chair



ROBERT N. HERKES, Co-Chair



BLAKE K. OSHIRO, Co-Chair



CCR 30

Hawaii State Legislature

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: **SB 2373, SD 1, HD 2** Date/Time: **4/24/08 9:45A**

The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
KOKUBUN, Russell S., Chr.	/				GREEN, Josh, M.D., Co-Chr.	/			
TANIGUCHI, Brian T., Co-Chr.	/				EVANS, Cindy, Co-Chr.	/			
IGE, David Y.	/				HERKES, Robert N., Co-Chr.				/
WHALEN, Paul				/	OSHIRO, Blake K., Co-Chr.	/			
					HAR, Sharon E.	/			
					WARD, Gene, Ph.D.	/			
TOTAL	3			1	TOTAL	5			1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: Adopted Not Adopted House Recommendation is: Adopted Not Adopted

Senate Lead Chair's or Designee's Signature: *Russell S. Kook* House Lead Chair's or Designee's Signature: *Josh M. Green*

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