

Honolulu, Hawaii  
Feb 6, 2008  
RE: H.B. No. 2530  
H.D. 1

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

Sir:

Your Committee on Health, to which was referred H.B. No. 2530  
entitled:

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

begs leave to report as follows:

The purpose of this bill is to assist law enforcement in its efforts to combat the illegal manufacturing of methamphetamine by requiring the Narcotics Enforcement Division (NED) of the Department of Public Safety (DPS) to maintain an electronic purchase logbook for sales of pseudoephedrine and related substances.

DPS supports the intent of this bill. The American Civil Liberties Union of Hawaii and a concerned citizen opposed this bill. The Walgreen Company submitted comments.

Your Committee has amended this bill by:

- (1) Limiting the application of the bill to products containing pseudoephedrine, and not ephedrine and phenylpropanolamine, as the latter products are no longer sold over-the-counter without a prescription in the state;
- (2) Extending the time period NED would have to establish the electronic purchase logbook to December 31, 2010;



- (3) Extending the time period NED is required to maintain logbook records to three years after its entry;
- (4) Authorizing any individual or agency authorized by the administrator of NED to access the electronic logbook;
- (5) Adding a misdemeanor offense for the knowing failure to transmit any information as required under the new section;
- (6) Creating the penalty of immediate suspension of a pharmacy or retailer's ability to sell any product containing any detectable quantity of pseudoephedrine until authorized by the administrator of NED for a knowing or intentional failure to transmit information as required under the new section;
- (7) Conforming state law to federal law by eliminating the exception from sales restrictions for products containing pseudoephedrine that are in liquid, liquid capsule, or gel capsule form;
- (8) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2530, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2530, H.D. 1, and be referred to the Committee on Public Safety & Military Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,

*Josh Green M.D.*

JOSHUA B. GREEN, M.D., Chair



State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

Record of Votes of the Committee on Health

<b>Bill/Resolution No.:</b> HB 2530	<b>Committee Referral:</b> HLT, PSM, JUD	<b>Date:</b> 1-30-08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
<b>HLT Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. GREEN, Josh, M.D. (C)	✓			
2. MIZUNO, John (VC)	✓			
3. AWANA, Karen Leinani	✓			
4. BELATTI, Della Au	✓			
5. BERTRAM, Joe, III	✓			
6. CABANILLA, Rida T.R.				✓
7. RHOADS, Karl	✓			
8. SHIMABUKURO, Maile S. L.	✓			
9. TOKIOKA, James Kunane	✓			
10. WARD, Gene, Ph.D.	✓			
<b>TOTAL (10)</b>	<b>9</b>			<b>1</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
<b>Vice Chair's or designee's signature:</b> <i>John M. DeGuzo</i>				
<b>Distribution:</b> Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				