
A BILL FOR AN ACT

RELATING TO OPIOIDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that opioids are a class
2 of drugs that includes the illegal drug heroin, synthetic
3 opioids such as fentanyl, and prescription pain relievers, such
4 as oxycodone, hydrocodone, codeine, and morphine. These drugs
5 are chemically related and interact with opioid receptors on
6 nerve cells in the body and brain. The legislature further
7 finds that opioid pain relievers are generally safe when taken
8 for a short time as prescribed by a physician. However, regular
9 use of opioid pain relievers, even as prescribed by a physician,
10 can lead to dependence. Moreover, because opioid pain relievers
11 produce euphoria in addition to pain relief, they are very prone
12 to misuse, which can easily lead to overdose incidents and
13 deaths.

14 The legislature further finds that the Centers for Disease
15 Control and Prevention formally declared an opioid epidemic in
16 2011. According to the American Society of Addiction Medicine,
17 more than 2,500,000 Americans have an opioid-use disorder. The



1 opioid epidemic is the deadliest drug crisis in United States
2 history, with drug overdoses claiming more lives in 2016 than
3 motor vehicle accidents or gun violence. Stated otherwise, the
4 opioid epidemic is tantamount to a new 9/11 attack every three
5 weeks.

6 At the heart of the opioid epidemic is OxyContin, which is
7 a brand name available for the prescription pain killer,
8 oxycodone. OxyContin is a dangerous and deadly opioid that was
9 developed in the 1990's by Purdue Pharma, which is based in
10 Stamford, Connecticut and is owned and operated by the Sackler
11 family. The Sacklers are best known as philanthropists whose
12 family name is prominently featured in exhibits at a number of
13 prominent institutions, including the Metropolitan Museum of
14 Art, Harvard University, and the Louvre. Because the Sacklers
15 have managed to write their family name out of the history of
16 the family business, most visitors to these establishments are
17 unaware that the family made their fortune by being one of the
18 prime beneficiaries of the current epidemic of opioid use.

19 As detailed in an article published in *The New Yorker* on
20 October 30, 2017, the Sacklers' great wealth was earned at the
21 expense of the millions of people who have fallen prey to drug



1 addiction due to OxyContin's intrinsic addictive properties, of
2 which the Sacklers were well aware, but denied any knowledge.
3 As noted, the Sacklers launched OxyContin with a multi-faceted
4 marketing campaign that misinformed doctors about the risks of
5 opioids, which included addiction and death. In September 2017,
6 the attorneys general of forty-one U.S. states banded together
7 to investigate the role these deceptive marketing campaigns on
8 the part of opioid manufacturers and distributors, including
9 Purdue Pharma, in the current crisis of opioid addictions and
10 overdose deaths.

11 Meanwhile, in April 2016, Congress, yielding to pressure
12 from the drug industry, passed a law that effectively stripped
13 the federal Drug Enforcement Administration (DEA) of its most
14 potent weapon against large drug companies suspected of spilling
15 prescription narcotics onto the nation's streets. By that time,
16 the opioid crisis had surged into the deadliest drug epidemic in
17 United States history, having claimed 200,000 lives, more than
18 three times the number of United States military deaths in the
19 Vietnam War.

20 Prior to the passage of The Ensuring Patient Access and
21 Effective Drug Enforcement Act of 2016, the DEA had broad



1 authority to freeze suspicious narcotic shipments from drug
2 distribution companies, as long as the shipment posed an
3 "imminent danger" to the community. The DEA used this authority
4 to immediately prevent drugs from reaching the streets. The new
5 law requires the DEA to demonstrate that a company's action
6 represents "a substantial likelihood of an immediate threat,"
7 which is a much higher bar. As a result, it is now virtually
8 impossible for the DEA to freeze suspicious opioid shipments.
9 The higher standard has severely undermined the DEA's previously
10 aggressive enforcement efforts.

11 Accordingly, in this regulatory vacuum of effective federal
12 law enforcement efforts against the drug epidemic, the several
13 states have no choice but to step up their own efforts to combat
14 the epidemic through multi-faceted attacks, such as requiring:

- 15 (1) Warnings to accompany opioid prescriptions;
- 16 (2) More comprehensive health insurance coverage for the
17 treatment of opioid dependence;
- 18 (3) Data collection on opioid overdoses and deaths; and
- 19 (4) Lowest possible dosage levels for prescriptions.



1 The purpose of this Act is to require warning labels for
2 the sale of opioids and require an acknowledgment to be signed
3 by the patient and pharmacist or health care professional.

4 SECTION 2. Chapter 329E, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§329E- Warning label. (a) In addition to any
8 requirements for labeling of drugs under part I of chapter 328,
9 part III of chapter 329, and any other requirement for labeling
10 of prescription drugs pursuant to state or federal law, a health
11 care professional or pharmacist who dispenses any opioid drug
12 shall include on the drug's package a warning label that
13 contains wording substantially similar to the following warning
14 language:

15 "Caution: OPIOID. Risk of overdose and addiction."

16 (b) A health care professional or pharmacist who dispenses
17 any opioid drug shall also include the warning language in
18 subsection (a) in an acknowledgment signed by the patient or
19 person receiving the opioid drug for the patient, and by the
20 health care professional or pharmacist dispensing the opioid
21 drug."



1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act does not affect rights and duties that
3 matured, penalties that were incurred, and proceedings that were
4 begun before its effective date.

5 SECTION 5. This Act shall take effect on July 1, 2050;
6 provided that the warning label authorization established by
7 this Act shall be implemented commencing August 1, 2018.



Report Title:

Opioid; Warning Label

Description:

Requires the inclusion of a label warning of the risks of addiction and overdose on the packaging of any opioid drug dispensed by a health care professional or pharmacist. Requires a health care professional or pharmacist to also include the warning in an acknowledgment signed by the patient or person receiving the opioid drug for the patient. Effective 7/1/2050.
(SD1)

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