

STAND. COM. REP. NO. 1430

Honolulu, Hawaii

April 6, 2011

RE: S.B. No. 40  
S.D. 2  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and  
Judiciary, to which was referred S.B. No. 40, S.D. 2, H.D. 1,  
entitled:

"A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE,"

beg leave to report as follows:

The purpose of this bill as received by your Committee is  
to:

- (1) Reclassify pseudoephedrine as a schedule V drug that can  
only be dispensed with a prescription, with certain  
exceptions; and
- (2) Amend the electronic tracking system for drugs  
containing pseudoephedrine.

Prior to the hearing, your Committees circulated a proposed  
draft that replaced the substance of this bill with provisions  
clarifying transactions that are required to be recorded in an  
electronic log and requiring the Department of Public Safety (PSD)  
to submit a progress report on the electronic log prior to the  
Regular Session of 2012.

PSD supported the draft as received by your Committees. The  
Legislative Information Services of Hawaii and the Hawaii Food  
Industry Association opposed the bill as received by your

SB40 HD2 HSCR CPC-JUD HMS 2011-3451



Committees. The prosecuting attorney of the City and County of Honolulu supported the proposed draft. The Legislative Information Services of Hawaii and the Hawaii Food Industry Association supported the proposed draft of this bill, but suggested using the Model Pseudoephedrine Electronic Tracking Legislation instead. A concerned individual opposed all versions of the bill.

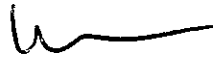
After further consideration, your Committees have replaced the contents of the proposed draft with the provisions of the Model Pseudoephedrine Electronic Tracking Legislation. This new tracking system is already being used by ten other states. The system is industry-funded and will provide real-time tracking. In addition, it will be able to generate a "stop sale alert", automatically preventing a purchaser from violating the quantity limits of pseudoephedrine.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 40, S.D. 2, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 40, S.D. 2, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committees on Consumer  
Protection & Commerce and  
Judiciary,



GILBERT KEITH-AGARAN, Chair



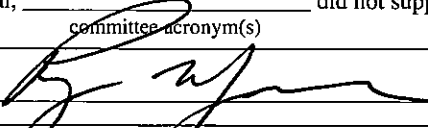
ROBERT N. HERKES, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

HSCR 1430

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: <b>SB 40 SDR HD1</b>	Committee Referral: <b>HLT, CPC/JUD</b>	Date: <b>3/30/2011</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <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)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. HERKES, Robert N. (C)	/			
2. YAMANE, Ryan I. (VC)	/			
3. BROWER, Tom	/			
4. CABANILLA, Rida T.R.	/			BA
5. CARROLL, Mele				/
6. ITO, Ken				/
7. KEITH-AGARAN, Gilbert S.C.	/			
8. LUKE, Sylvia	/			
9. McKELVEY, Angus L.K.	/			
<del>10. MORITA, Hermina M.</del>				
11. OSHIRO, Blake K.				/
12. SOUKI, Joseph M.	/			
13. TSUJI, Clift	/			
14. CHING, Corinne W.L.	/			
15. MARUMOTO, Barbara C.				/
16. THIELEN, Cynthia	/			
TOTAL <del>(16)</del> (15)	11			4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

HSCR 1470

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB495D2, No 1 Committee Referral: HLT, CPC/JUD Date: 3/30/11

The committee is reconsidering its previous decision on the measure.

The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  
 Pass short form bill with HD to recommit for future public hearing (recommit)

JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)	✓			
2. RHOADS, Karl (VC)	✓			
3. BROWER, Tom	✓			
4. CABANILLA, Rida T.R.	✓			
5. CARROLL, Mele				✓
6. HERKES, Robert N.	✓			
7. ITO, Ken				✓
8. LUKE, Sylvia	✓			
9. McKELVEY, Angus L.K.	✓			
<del>10. MORITA, Hermina M.</del>				
11. OSHIRO, Blake K.				✓
12. SOUKI, Joseph M.	✓			
13. TSUJI, Clift	✓			
14. FONTAINE, George R.	✓			
15. MARUMOTO, Barbara C.				✓
16. THIELEN, Cynthia	✓			
TOTAL <del>(16)</del> (15)	11	0	0	4

The recommendation is:  Adopted  Not Adopted  
 If joint referral, \_\_\_\_\_ did not support recommendation.  
 \_\_\_\_\_ committee acronym(s)

Vice Chair's or designee's signature: Karl Rhoads