

Honolulu, Hawaii

APR 28 2011 , 2011

RE: S.B. No. 40
S.D. 2
H.D. 2
C.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

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

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 40, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE,"

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 measure is to establish an electronic tracking system for the sale of pseudoephedrine to further control access to pseudoephedrine to help limit the use of pseudoephedrine in the illegal manufacturing and sale of methamphetamine.

Your Committee on Conference finds that this measure can be improved by amending section 329-75, Hawaii Revised Statutes, to establish a tracking system that will provide real-time tracking capabilities, along with the ability to generate "stop sale alerts" that automatically prevent a seller or purchaser from violating the quantity limits of products containing pseudoephedrine or ephedrine base.



Your Committee on Conference has amended this measure by:

- (1) Establishing the electronic tracking system by amending section 329-75, Hawaii Revised Statutes, rather than creating a new section within chapter 329, Hawaii Revised Statutes;
- (2) Imposing on prescription and nonprescription products containing ephedrine base, the same tracking requirements for the sales of product, mixtures, or preparations as are imposed on those products containing pseudoephedrine base and imposing a reporting requirement for wholesalers of products containing ephedrine base;
- (3) Subjecting pharmacies to the tracking requirements for the sales of product, mixtures, or preparations containing pseudoephedrine or ephedrine base and imposing a reporting requirement for wholesalers of ephedrine base;
- (4) Eliminating tracking requirements for certain products containing ephedrine's salts, isomers, or salts of isomers;
- (5) Requiring purchasers of pseudoephedrine or ephedrine base to sign a written or electronic log attesting to the validity of the information provided to the pharmacy or retailer;
- (6) Requiring that the National Precursor Log Exchange is available to retailers in the State without a charge for accessing the system;
- (7) Allowing a pharmacy or retailer selling an over-the-counter product containing pseudoephedrine or ephedrine to seek an exemption from submitting transactions to the electronic sales tracking system by placing the request in writing to the Board of Pharmacy;
- (8) Designating the Narcotics Enforcement Division of the Department of Public Safety as the appropriate entity to receive state transaction records from the National Association of Drug Diversion Investigators;
- (9) Requiring the Narcotics Enforcement Division of the Department of Public Safety to execute a memorandum of



understanding with the National Association of Drug Diversion Investigators governing access to the information contained in the National Precursor Log Exchange online portal;


- (10) Designating a violation of section 329-75(b) through (f), Hawaii Revised Statutes, as a class C felony;
- (11) Making the measure effective upon approval; and
- (12) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 40, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 40, S.D. 2, 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



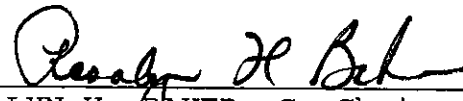
RYAN I. YAMANE, Co-Chair



JOSH GREEN, M.D., Chair



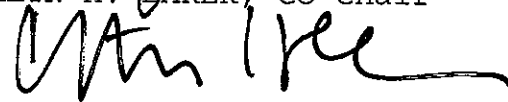
ROBERT N. HERKES, Co-Chair



ROSALYN H. BAKER, Co-Chair



BLAKE K. OSHIRO, Co-Chair

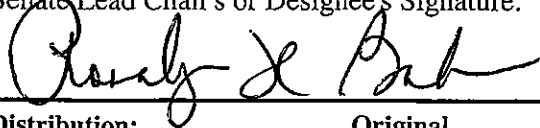
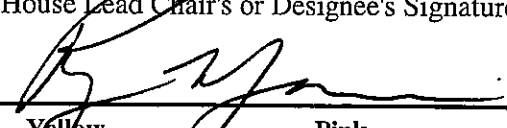


CLAYTON HEE, Co-Chair



Hawaii State Legislature

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 40, SD 2, HD 2					Date/Time: <i>4-26-2011 1:40P</i>					
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).										
<input type="checkbox"/> The Committee is reconsidering its previous decision.										
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> 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	
GREEN, Josh, M.D., Chr.	✓				YAMANE, Ryan I., Co-Chr.	✓				
BAKER, Rosalyn H., Co-Chr.	✓				HERKES, Robert N., Co-Chr.	✓				
HEE, Clayton, Co-Chr.				✓	OSHIRO, Blake K., Co-Chr.	✓				
GABBARD, Mike	✓				MORIKAWA, Dee	✓				
WAKAI, Glenn	✓				PINE, Kymberly Marcos				✓	
TOTAL	4	-	-	1	TOTAL	4	-	-	1	
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused			
Senate Recommendation is:					House Recommendation is:					
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:					
										
Distribution:		Original	Yellow	Pink	Goldenrod					
		File with Conference Committee Report	House Clerk's Office	Senate Clerk's Office	Drafting Agency					