

Honolulu, Hawaii

FEB 18 2011

RE: S.B. No. 40
S.D. 1

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

Sir:

Your Committees on Health and Commerce and Consumer Protection, to which was referred S.B. No. 40 entitled:

"A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE,"

beg leave to report as follows:

The purpose and intent of this measure is to reclassify pseudoephedrine as a schedule III drug that may only be dispensed with a prescription in order to further control access to the drug.

Your Committees received testimony in support of this measure from the Department of Public Safety. Your Committees received testimony in opposition to this measure from the Legislative Information Services of Hawaii, Hawaii Food Industry Association, and two private citizens. Your Committees received comments on this measure from one private citizen.

Your Committees heard testimony suggesting that classifying pseudoephedrine as a schedule III drug will increase the workload of an already stressed system of prescription providers and will impose a financial burden on Hawaii's citizens due to the added tracking requirements that would need to be implemented by pharmacies. Your Committees also heard and concur with testimony in favor of classifying pseudoephedrine as a schedule V drug rather than a schedule III drug and giving pharmacists the ability to dispense small amounts of the drug without a prescription while requiring pharmacists to track the drug's disbursement through the use of signature logs.



Your Committees have amended this measure accordingly by:

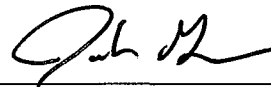
- (1) Reclassifying pseudoephedrine as a schedule V drug;
- (2) Requiring retailers of drugs containing pseudoephedrine to remove the product from their over-the-counter drug inventories no later than July 1, 2011;
- (3) Permitting pharmacists to dispense small amounts of pseudoephedrine under certain circumstances; and
- (4) Inserting an effective date of July 1, 2050, to allow for further discussion.

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

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



ROSALYN H. BAKER, Chair

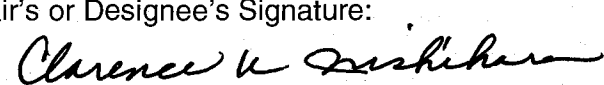


JOSH GREEN, M.D., Chair



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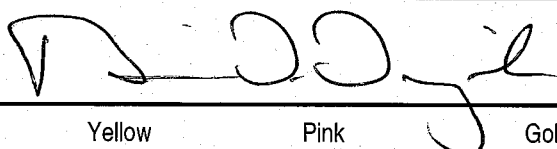
Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* SB40	Committee Referral: HTH/CPN, JDL	Date: 2/10/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, M.D., Josh (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
BAKER, Rosalyn H.	✓			
CHUN OAKLAND, Suzanne	✓			
SHIMABUKURO, Maile				✓
WAKAI, Glenn	✓			
SLOM, Sam				✓
TOTAL	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 40	HTH/CPN, JDL	2/10/2011		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
GALUTERIA, Brickwood				✓
GREEN, M.D., Josh	✓			
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama				✓
SLOM, Sam				✓
TOTAL	4	0	0	3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

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