

STAND. COM. REP. NO.

573

Honolulu, Hawaii

MAR 04 2011

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

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

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 40, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE,"

begs leave to report as follows:

The purpose of this measure is to reclassify pseudoephedrine as a schedule V drug, which may only be dispensed with a prescription, with certain exceptions, and to require retail sellers of drugs containing pseudoephedrine to remove these drugs from their over-the-counter inventories no later than July 1, 2011. The intent of this measure is to further control access to pseudoephedrine in an effort to help limit the use of pseudoephedrine in the illegal manufacturing and sale of methamphetamine.

Your Committee received testimony in support of this measure from the Department of Public Safety; the Department of the Prosecuting Attorney, City and County of Honolulu; and two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Food Industry Association. Your Committee received comments on this measure from the Legislative Information Services of Hawaii.

Your Committee finds that reclassifying pseudoephedrine as a schedule V drug allows the drug to be regulated as a prescription drug rather than an over-the-counter drug that is easily accessible to methamphetamine manufacturers. Your Committee also finds that by classifying pseudoephedrine as a schedule V drug, it

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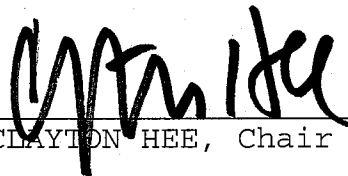
will be subject to registration, labeling, identification, and record keeping requirements, allowing the State to better track its disbursement.

Your Committee has amended this measure by:

- (1) Replacing the term "schedule V" with the term "pseudoephedrine" where added clarity is needed; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 40, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 40, S.D. 2.

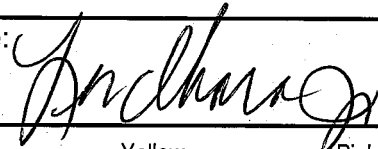
Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB40, SDI	Committee Referral: HTH/CPN, JDL	Date: 3-1-11		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)				✓
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam			✓	
TOTAL	3	0	1	1
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