
A BILL FOR AN ACT

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

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

1 SECTION 1. Section 329-104, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) This section shall not prevent the disclosure, at the
4 discretion of the administrator, of investigative information
5 to:

6 (1) Law enforcement officers, investigative agents of
7 federal, state, or county law enforcement or
8 regulatory agencies, United States attorneys, county
9 prosecuting attorneys, or the attorney general;
10 provided that the administrator has reasonable grounds
11 to believe that the disclosure of any information
12 collected under this part is in furtherance of an
13 ongoing criminal or regulatory investigation or
14 prosecution;

15 (2) Registrants authorized under chapters 448, 453, and
16 463E who are registered to administer, prescribe, or
17 dispense controlled substances and their practitioner


- 1 delegate; provided that the information disclosed
2 relates only to the registrant's own patient;
- 3 (3) Pharmacists or pharmacist delegates, employed by a
4 pharmacy registered under section 329-32, who request
5 prescription information about a customer relating to
6 a violation or possible violation of this chapter;
- 7 (4) Other state-authorized governmental prescription-
8 monitoring programs;
- 9 (5) The chief medical examiner or licensed physician
10 designee who requests information and certifies the
11 request is for the purpose of investigating the death
12 of an individual;
- 13 (6) Qualified personnel for the purpose of bona fide
14 research or education; provided that data elements
15 that would reasonably identify a specific recipient,
16 prescriber, or dispenser shall be deleted or redacted
17 from the information prior to disclosure; provided
18 further that release of the information may be made
19 only pursuant to a written agreement between qualified
20 personnel and the administrator in order to ensure
21 compliance with this subsection; ~~and~~
- 22 (7) Other entities or individuals authorized by the
23 administrator to assist the program with projects that

1 enhance the electronic prescription accountability
2 system[-]; and
3 (8) Authorized employees of the State of Hawaii department
4 of health, alcohol and drug abuse division and the
5 emergency medical services and injury prevention
6 system branch.

7 Information disclosed to a registrant, pharmacist, or authorized
8 government agency under this section shall be transmitted by a
9 secure means determined by the designated agency."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

13
14 INTRODUCED BY: _____ 

15 BY REQUEST
16 JAN 22 2019

H .B. NO. 1039

Report Title:

Uniform Controlled Substances Act; Disclosure of Investigative Information

Description:

Amends section 329-104(c), Hawaii Revised Statutes, to allow the Department of Public Safety, Narcotics Enforcement Division Administrator to disclose, at his discretion, confidential information from the Electronic Prescription Accountability System, more commonly known as the Prescription Drug Monitoring Program, to authorized employees of the State of Hawaii Department of Health, Alcohol and Drug Abuse Division and the Emergency Medical Services and Injury Prevention Systems Branch.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

H.B. NO. 1039

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

PURPOSE: Amend section 329-104(c), Hawaii Revised Statutes (HRS), to allow the Department of Public Safety, Narcotics Enforcement Division Administrator to disclose, at his discretion, confidential information from the Electronic Prescription Accountability System, more commonly known as the Prescription Drug Monitoring Program, to authorized employees of the State of Hawaii Department of Health, Alcohol and Drug Abuse Division and the Emergency Medical Services and Injury Prevention Systems Branch.

MEANS: Amend section 329-104(c), HRS.

JUSTIFICATION: Proposed amendments to chapter 329 will accomplish the following:

Allow the Department of Public Safety, Narcotics Enforcement Division (NED) Administrator to disclose, at his discretion, confidential information from the Electronic Prescription Accountability System, more commonly known as the Prescription Drug Monitoring Program, to authorized employees of the State of Hawaii Department of Health, Alcohol and Drug Abuse Division and the Emergency Medical Services and Injury Prevention Systems Branch.

Impact on the public: This bill is intended to protect the public by allowing access to authorized employees of the State of Hawaii, Department of Health, at the discretion of the NED administrator, to obtain and analyze data from the Prescription Drug Monitoring Program to reduce addiction, overdose, and death related to the use of opioids.

H.B. NO. 1039

Impact on the department and other agencies:

These proposed amendments will aid both the State of Hawaii Department of Public Safety and the Department of Health to reduce addiction, overdose, and death related to the use of opioids.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: PSD 502.

OTHER AFFECTED
AGENCIES: Department of Health.

EFFECTIVE DATE: Upon approval.