STAND. COM. REP. NO. 1293

Honolulu, Hawaii

MAR 2 3 2023

RE: H.B. No. 573 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2023 State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred H.B. No. 573 entitled:

"A BILL FOR AN ACT RELATING TO FENTANYL TEST STRIPS,"

begs leave to report as follows:

The purpose and intent of this measure is to exclude fentanyl test strips from the definition of "drug paraphernalia" in the Uniform Controlled Substances Act.

Your Committee received testimony in support of this measure from the Department of Health, Community Alliance on Prisons, and four individuals.

Your Committee finds that there were seventy-four fatal opioid poisonings in Hawaii in 2021, fifty of which were caused by synthetic opioids containing fentanyl. Your Committee further finds that fentanyl test strips are a critical and low-cost harm reduction tool that helps prevent fatal overdose. Despite their potential to save lives, fentanyl test strips are classified as drug paraphernalia under existing state law, and possession of a single strip is subject to a fine of up to \$500. This measure therefore legalizes the possession and use of fentanyl test strips to address the rising number of overdose deaths caused by synthetic opioids.

Your Committee has amended this measure by:

- (1) Clarifying that the definition of "drug paraphernalia" does not include testing products utilized in determining whether a controlled substance contains chemicals, toxic substances, or hazardous compounds in quantities that can cause physical harm or death, including but not limited to fentanyl test strips; 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 Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 573, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 573, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Health and Human Services,

The Senate Thirty-Second Legislature State of Hawai'i

Record of Votes Committee on Health and Human Services HHS

Bill / Resolution No.:*	Committee Referral:			Date:	
HB 573	HHS, JOC			3/17/23	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (W	R) Na	y Excused
SAN BUENAVENTURA, Joy A	A. (C)				
AQUINO, Henry J.C. (VC)					
MORIWAKI, Sharon Y.					
SHIMABUKURO, Maile S.L.					
AWA, Brenton					
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TOTAL		5			
Recommendation:					
Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original File with Committee Re	Yellow Pink Goldenrod eport Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes