

# SB 2820

## **RELATING TO THE HAWAII ADVISORY COMMISSION ON DRUG ABUSE AND CONTROLLED SUBSTANCES**

### *Description:*

Amends statutory provisions of the Hawaii Advisory Commission on Drug Abuse and Controlled Substances to provide for more focused attention in addressing the issue of substance abuse as a public health issue.



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

**Senate Committee on Public Safety, Government Operations, and Military Affairs**  
**S.B. 2820, Hawaii Advisory Commission on Drug Abuse and Controlled Substances**

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.**  
**Director of Health**

**February 21, 2012**

1 **Department's Position:** The Department of Health (DOH) strongly supports enactment of this  
2 Administration proposal as introduced.

3 **Fiscal Implications:** None.

4 **Purpose and Justification:** This proposal amends duties and responsibilities of the Hawaii Advisory  
5 Commission on Drug Abuse and Controlled Substances (HACDACS) to provide for more focused  
6 attention in addressing the issue of substance abuse as a public health issue by amending Section 329-4,  
7 Hawaii Revised Statutes (HRS).

8 As the advisory body that is administratively assigned to the Alcohol and Drug Abuse Division,  
9 HACDACS provides community perspectives in the Department of Health (DOH) planning and  
10 implementation of substance abuse prevention and treatment services specified in Chapter 321, HRS.

11 When the Department of Public Safety (PSD) was created, responsibility for the registration and  
12 control of the manufacture, distribution, prescription and dispensing of controlled substances and  
13 precursor or essential chemicals was transferred from the DOH to PSD. Amendments in this  
14 "housekeeping" measure will more closely align the duties of the Commission with the core functions of  
15 public health: assessment (i.e., monitoring trends and needs), policy development on public health

1 issues, and assurance of appropriate public health services. The scheduling of controlled substances  
2 under Part II of Chapter 329, HRS, is a function performed by the Narcotics Enforcement Division  
3 within the Department of Public Safety based on guidance from the U.S. Food and Drug Administration  
4 and Drug Enforcement Administration.

5 The proposed statutory amendments will not diminish the Commission's role of advising the  
6 Department of Health, the Governor and the Legislature on substance abuse related issues and concerns.  
7 In addition, the composition and number of members on the Commission will remain unchanged as will  
8 the broad-based representation of the community.

9 The Department respectfully recommends passage of this measure as introduced.

10 Thank you for the opportunity to testify on this measure.

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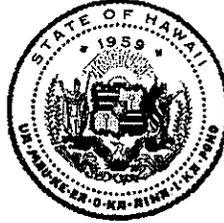
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NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
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No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 2820  
A BILL FOR AN ACT RELATING TO HAWAII ADVISORY  
COMMISSION ON DRUG ABUSE AND CONTROLLED SUBSTANCES

By  
Jodie F. Maesaka-Hirata, Director  
Department of Public Safety

Committee on Public Safety, Government Operations, and Military Affairs  
Senator Will Espero, Chair  
Senator Michelle N. Kidani, Vice Chair

Tuesday, February 21, 2012, 2:45 PM  
State Capitol, Room 224

Chair Espero, Vice Chair Kidani, and Members of the Committee:

The Department of Public Safety (PSD) supports Senate Bill 2820 that amends statutory provisions of the Hawaii Advisory Commission on Drug Abuse and Controlled Substances to provide for more focused attention in addressing the issue of substance abuse as a public health issue. The amendments to Section 329-4 HRS would clearly separate the duties of the Department's Narcotics Enforcement Division to maintain and conduct scheduling actions to Hawaii's Uniform Controlled Substance Act, while allowing the Department of Health's Hawaii Advisory Commission on Drug Abuse and Controlled Substances to focus on coordinating community programs relating to the prevention of drug abuse.

Section 329-4 was originally written when the Department's Narcotics Enforcement Division was a part of the Department of Health, this changed in 1989, when the Division was transferred to the Attorney General and subsequently transferred to the Department of Public Safety in 1990, without any amendments to this section. PSD supports the amendments being proposed in SB 2820 as it will better describe the current function of the Department of Health's Hawaii Advisory Commission on Drug Abuse and Controlled Substances.

Thank you for the opportunity to testify on this matter.



the  
**Drug Policy  
Forum**  
of hawaii

*Dedicated to safe, responsible, humane and effective drug policies since 1993*

February 21, 2012

To: Senator Will Espero, Chair  
Senator Michelle Kidani, Vice Chair and  
Members of the Committee on Public Safety, Government Operations, and Military Affairs

From: Jeanne Y. Ohta

RE: SB 2820 Relating to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances  
Hearing: February 21, 2012, 2:45 p.m., Room 224

Position: Opposed

The Drug Policy Forum of Hawai'i writes in opposition to changing the role of the Hawaii Advisory Commission on Drug Abuse and Controlled Substances as proposed in SB 2820. The adoption of this measure would make scheduling of drugs solely a law enforcement matter. It should not be.

Scheduling of controlled substances in Hawai'i should not entirely be a law enforcement responsibility. Science and health related data and information is needed before substances are scheduled, for example:

*HRS§329-11, the Department of Public Safety shall assess the degree of danger or probable danger of the substance by considering the following: A) Its history and current pattern of abuse; B) The scope, duration, and significance of abuse; and C) A judgment of the degree of actual or probable detriment that may result from the abuse of the substance.*

The information required above is not merely law enforcement information, it is also medical in nature, and the Department of Health should share the responsibility of providing the necessary information. The commission was designed to be the vehicle for its provision. If the commission has not been fulfilling its responsibilities, they should do so going forward.

Leaving something as important as which drugs should be scheduled and into which schedule should not be left to an agency whose sole purpose is law enforcement. We should have checks and balances and there should be sufficient discussion prior to scheduling substances.

Thank you for this opportunity to provide comments.