STAND. COM. REP. NO. **533**

Honolulu, Hawaii

FEB 2 8 2013

RE: S.B. No. 1180

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 1180 entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY SCHEDULING OF CONTROLLED SUBSTANCES,"

begs leave to report as follows:

The purpose and intent of this measure is to require the Department of Public Safety to:

- (1) Make certain considerations when determining whether a substance should be emergency scheduled; and
- (2) Post a public notice at the State Capitol, in the Office of the Lieutenant Governor, and on the Department's website thirty days prior to the effective date of any emergency scheduling of a substance.

Your Committee received testimony in support of this measure from the Department of Public Safety and Department of the Attorney General.

Your Committee finds that section 329-11(e), Hawaii Revised Statutes, permits the Administrator of the Narcotics Enforcement Division of the Department of Public Safety (NED) to place new drugs into the controlled substances schedules on an emergency basis but does not presently contain clear notice provisions. The emergency scheduling provision is important because it allows law enforcement to combat new "designer" drugs that are constantly

being created in order to skirt the Uniform Controlled Substances Act.

This measure will require the NED Administrator to provide thirty days' notice to the public before emergency scheduling goes into effect and clarify where notice is to be posted. The measure also clarifies which factors the Administrator must consider in determining whether to add certain drugs to the controlled substance schedules via the emergency scheduling process. These amendments are necessary to address legal requirements of notice, due process, and delegation powers.

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. 1180 and recommends that it pass Third Reading.

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

CIAVTO HEE Chair

The Senate Twenty-Seventh Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:* Committee		Referral: Date:			
SB 1180	PSM,	JDL		2/26	7//3
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 (WR)	Nay	Excused
HEE, Clayton (C)					
SHIMABUKURO, Maile S.L. (VC)					
GABBARD, Mike					
IHARA, Jr., Les		<u></u>			
SLOM, Sam					
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TOTAL		4			/
Recommendation: Adopted 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