STATE OF HAWAII DEPARTMENT OF PUBLIC SAFETY 919 Ala Moana Blvd. 4th Floor Honolulu, Hawaii 96813

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No.

TESTIMONY ON SENATE BILL 1180 A BILL FOR AN ACT RELATING TO EMERGENCY SCHEDULING OF CONTROLLED SUBSTANCES by Ted Sakai, Director Department of Public Safety

House Committee on Public Safety Representative Henry J.C. Aquino, Chair Representative Kaniela Ing, Vice Chair

Thursday, March 14, 2013, 09:30 am State Capitol, Room 309

Chair Aquino, Vice Chair Ing, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill 1180 which proposes amendments to Section 329-11(e), HRS, Authority to schedule controlled substances to require that the Department add into statute language giving a period of public notice before the emergency scheduling of a controlled substances goes into effect, and to clarify what notice is required, and where the notice would be posted.

In the past, when the Department has emergency scheduled a substance, it has given notice by posting public notice at the State Capitol and in the Office of the Lieutenant Governor for public inspection. The Department also posted public notice on its website for public inspection. Senate Bill 1180 amends Section 329-11(e), HRS, to describe what the Department's current practice is relating to posting public notice as well as require that the notice be posted 30 days prior to the effective date of the emergency scheduling to give retailers and distributors ample notice.

Thank you for the opportunity to testify on this matter.



TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-SEVENTH LEGISLATURE, 2013

ON THE FOLLOWING MEASURE:

S.B. NO. 1180, RELATING TO EMERGENCY SCHEDULING OF CONTROLLED SUBSTANCES.

BEFORE THE: HOUSE COMMITTEE ON PUBLIC SAFETY

DATE:	Thursday, March 14, 2013	TIME:	9:30 a.m.
LOCATION:	State Capitol, Room 309		
TESTIFIER(S):	David M. Louie, Attorney General, or Richard W. Stacey, Deputy Attorney Ge	neral	

Chair Aquino and Members of the Committee:

The Department of the Attorney General strongly supports this bill.

This bill addresses notice requirements for provisions set forth in section 329-11, Hawaii Revised Statutes, (HRS). Section 329-11(a), HRS, clearly indicates what notice is required for regular annual changes to the controlled substance schedules in chapter 329, HRS. Section 329-11(e), HRS, which allows the administrator of the Narcotics Enforcement Division (NED) to place new drugs into the controlled substances schedules on an emergency basis, 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 current controlled substance laws.

These amendments will require the NED administrator to provide thirty (30) days notice to the public before emergency scheduling goes into effect, and clarify where notice is to be posted. Further, this bill clarifies what factors the administrator must consider in adding 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 of powers.

We respectfully request that this bill be passed.