

Honolulu, Hawaii

MAR 06 2015RE: S.B. No. 798
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 798, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require a pain medication agreement to be executed between a patient and any prescriber of a narcotic drug within the State for use as a pain medication under certain conditions;
- (2) Require the Administrator of the Narcotics Enforcement Division of the Department of Public Safety to develop and make available a template of a pain medication agreement for use in the State; and
- (3) Specify the contents of the pain medication agreement template.

Your Committee received testimony in support of this measure from the Department of Public Safety, Walgreen Co., and one individual. Your Committee received testimony in opposition to this measure from the Hawaii Medical Association. Your Committee received comments on this measure from the American Congress of Obstetricians and Gynecologists, Hawaii Section and The Queen's Health Systems.



Your Committee finds that there is a serious prescription narcotic drug overuse problem in the country and in Hawaii. This measure seeks to address the issue of prescription drug overuse by establishing a safe prescribing protocol for narcotic drugs that also educates a patient regarding the use of prescription pain medication.

Your Committee has heard the concerns that this measure requires a pain medication agreement to be executed for all short-term treatments of pain, which may be burdensome for providers in certain clinical settings. Your Committee notes that this measure is intended to focus on chronic pain medication, and in certain cases, it may not be appropriate for a patient and provider to enter into a pain medication agreement. Amendments to this measure addressing these concerns are therefore needed.

Your Committee also understands the concerns regarding certain aspects of the template for the chronic pain management agreement proposed by this measure. Your Committee notes that the template recommends a single pharmacy to be used for patients receiving chronic pain medication, which would not permit patients to use different stores within a pharmacy network. Your Committee also notes that the penalty for violations referenced in the template is intended to address certain actions by a patient, rather than a provider. Amendments addressing these concerns are therefore needed.

Accordingly, your Committee has amended this measure by:

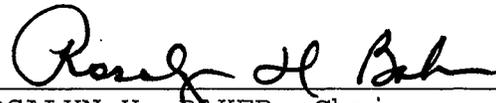
- (1) Clarifying that the agreement required to be executed pursuant to this measure is a chronic pain medication agreement;
- (2) Removing language that would have required a chronic pain medication agreement to be executed any time a patient is prescribed a narcotic drug for use as pain medication in the patient's first encounter with a prescriber;
- (3) Clarifying the minimum requirements for the template for the chronic pain management agreement, including:
 - (A) Recommending a single pharmacy or a single network of pharmacies for patients receiving chronic pain medication; and



- (B) Advising the patient that any patient who violates section 329-42(a)(3), Hawaii Revised Statutes, or section 329-46, Hawaii Revised Statutes, shall be guilty of a class C felony;
- (4) Clarifying that the chronic pain medication agreement proposed by this measure shall not apply to emergency room and urgent care providers or hospice, palliative care, or terminally ill patients and their providers;
- (5) Inserting an effective date of July 1, 2050, to encourage further discussion and providing that this measure shall apply to all chronic pain agreements entered into on or after September 1, 2015; and
- (6) 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 798, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 798, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB798 SDI	HTH/PSM, CPN	3/4/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
KAHELE, Gilbert				✓
KIDANI, Michelle N.	✓			
NISHIHARA, Clarence K.				✓
WAKAI, Glenn	✓			
SLOM, Sam				✓
TOTAL	4	0	0	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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