

STAND. COM. REP. NO. 456

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 671
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 S.B. No. 671 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to exclude from the definition of "drug paraphernalia", 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.

Your Committee received testimony in support of this measure from the Department of Health; Office of the Prosecuting Attorney for the County of Kaua'i; Drug Policy Forum of Hawai'i, Inc.; Hawai'i Health & Harm Reduction Center; Hawaii Island Fentanyl Task Force; and seven individuals.

Your Committee finds that fentanyl test strips and other drug checking products are critical in helping to prevent accidental and fatal overdoses. The federal Centers for Disease Control and Prevention and the Substance Abuse and Mental Health Services Administration encourage the use of federal funds to purchase fentanyl test strips to curb the dramatic spike in drug overdose deaths from the use of synthetic opioids that include illicitly manufactured fentanyl. Your Committee finds however, that under



existing state law, fentanyl test strips are classified as drug paraphernalia, and therefore, anyone possessing a single strip could be subject to a fine of up to \$500 and any adult who provides a fentanyl test strip to a minor can be charged with a class B felony. This measure decriminalizes fentanyl test strips and other testing products, thereby allowing people to easily detect contaminated drugs and avoid accidental and fatal drug overdoses and will allow the State and nonprofit organizations to pursue federal funding to purchase fentanyl test strips.

Your Committee has amended this measure by:

- (1) Inserting language defining "fentanyl test strip" to mean a small strip of paper that can detect the presence of fentanyl in:
 - (A) Different kinds of drugs, including cocaine, methamphetamine, and heroin; and
 - (B) Different drug forms, such as pills, powder, and injectable drugs;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) 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 S.B. No. 671, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 671, 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,



JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* <i>SB 671</i>	Committee Referral: <i>HHS, JDC</i>	Date: <i>2/6/23</i>		
<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
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SHIMABUKURO, Maile S.L.	✓			
AWA, Brenton	✓			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>[Handwritten Signature]</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes