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**A BILL FOR AN ACT**

RELATING TO METHADONE TREATMENT PROGRAMS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 329-40, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§329-40 Methadone treatment programs. (a)

4 Notwithstanding any other provision of law to the contrary,  
5 methadone may be administered or dispensed or both as part of a  
6 state-registered and federal Substance Abuse and Mental Health  
7 Services Administration approved methadone treatment program by  
8 a practitioner who is licensed and registered under state and  
9 federal law to administer and dispense methadone for patients or  
10 by an agent of the practitioner, supervised by and under the  
11 order of the practitioner. The agent must be a pharmacist,  
12 registered nurse, or licensed practical nurse. The licensed  
13 practitioner shall be responsible for the amounts of methadone  
14 administered or dispensed in accordance with Substance Abuse and  
15 Mental Health Services Administration regulations and shall  
16 record, approve, and countersign all changes in dosage  
17 schedules.

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1 (b) Registration of a methadone treatment program requires  
2 that:

3 (1) The methadone treatment program obtain a controlled  
4 substance registration from the State of Hawaii and  
5 the Drug Enforcement Administration;

6 (2) The medical director of a methadone treatment program  
7 obtain a controlled substance registration from the  
8 State of Hawaii and the Drug Enforcement  
9 Administration at the location of the program;

10 (3) Admission to a methadone treatment program be limited  
11 to the narcotic-dependent persons as defined in this  
12 chapter;

13 (4) Unless otherwise stated in this chapter, admission to  
14 a methadone treatment program be in accordance with  
15 Title 21 Code of Federal Regulations Part 291 and  
16 Title 42 Code of Federal Regulations Part 8;

17 (5) All medical orders including initial medication  
18 orders, all subsequent medication order changes, all  
19 changes in the frequency of take-home medication, and  
20 the prescription of additional take-home medication  
21 for emergency situations be authorized by a licensed  
22 registered physician employed by the program;

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1 (6) Only the medical director or other designated program  
2 physician authorize a patient's admission for  
3 treatment in accordance with Title 21 Code of Federal  
4 Regulations Part 291 and Title 42 Code of Federal  
5 Regulations Part 8; and

6 (7) Take-home doses of methadone be dispensed to patients  
7 in accordance with Title 21 Code of Federal  
8 Regulations Part 291 and Title 42 Code of Federal  
9 Regulations Part 8, but shall not exceed a fourteen-  
10 day supply at any given time nor more than the maximum  
11 amount of take-homes for Levo-alphaacetylmethadol  
12 (LAAM/Orlamm) that would allow a patient to be away  
13 from the clinic for dosing for more than two weeks  
14 unless authorized by the state authority.

15 (c) Before admitting an applicant to a methadone treatment  
16 program, the medical director shall conduct a medical evaluation  
17 that requires testing as follows:

18 (1) Laboratory test for determination of hepatitis C virus  
19 infection, unless the medical director has determined  
20 the applicant's subcutaneous veins are severely  
21 damaged to the extent that a blood specimen cannot be  
22 obtained; or

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1        (2) Waived test for determination of hepatitis C virus  
2                    exposure, followed by a laboratory confirmatory test  
3                    for determination of hepatitis C virus infection;

4        (d) The program shall have policies and procedures in  
5 place for screening, and referrals for care, and curative  
6 treatment (either on-site or to external partners).

7            The term "methadone treatment program" as used in this  
8 section means an organization or a person (including a private  
9 physician) that administers or dispenses methadone to a  
10 narcotic-dependent person for maintenance or detoxification  
11 treatment and who provides the medical and rehabilitative  
12 services required by Title 21 Code of Federal Regulations Part  
13 291 or Title 42 Code of Federal Regulations Part 8 and is  
14 approved to do so by the State and by the United States  
15 Substance Abuse and Mental Health Services Administration, and  
16 who holds a controlled substance registration as required by  
17 this chapter and the United States Drug Enforcement  
18 Administration to use methadone for the treatment of narcotic-  
19 dependent persons.

20            The term "narcotic-dependent person" as used in this  
21 section means an individual who physiologically needs heroin or

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1 a morphine-like drug to prevent the onset of signs of  
2 withdrawal.

3 The term "state authority" as used in this section means  
4 the agency within the State [~~which~~] that exercises the  
5 responsibility for governing the treatment of narcotic-dependent  
6 persons with the narcotic drug methadone.

7 The term "waived test" as used in this section means a  
8 Clinical Laboratory Improvement Amendments of 1988-waived point-  
9 of-care ("rapid") test for determination of hepatitis C  
10 infection."

11 SECTION 2. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_



16

BY REQUEST

JAN 23 2023

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**Report Title:**

Methadone Treatment Programs; Hepatitis Testing

**Description:**

Amends section 329-40, Hawaii Revised Statutes, to require the medical director of a methadone treatment program to conduct a medical evaluation that offers testing for Hepatitis C exposure and infection. Requires that a methadone treatment program have policies and procedures in place for screening and referrals to care and curative treatment.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO METHADONE TREATMENT PROGRAMS.

PURPOSE: To require that the medical director of a methadone treatment program conduct a medical evaluation that offers testing for Hepatitis C exposure and infection, and to require that a methadone treatment program have in place policies and procedures for the screening and referrals for care and curative treatment

MEANS: Amend section 329-40, Hawaii Revised Statutes (HRS).

JUSTIFICATION: The proposed bill seeks to quell the growing spread of Hepatitis C in our communities by increasing the detection of Hepatitis C infection and exposure and increasing opportunities to refer patients for curative treatment.

Impact on the public: This bill is intended to provide greater protection to the public by increasing the detection of Hepatitis C infection and exposure, increasing curative treatment, and reducing the prevalence of infection in the community.

Impact on the department and other agencies: The proposed measure would provide needed assistance to the Department of Health and private harm reduction agencies in their efforts to reduce the spread of Hepatitis C in the community.

GENERAL FUND: None.

OTHER FUNDS: None.

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PPBS PROGRAM

DESIGNATION: PSD 502.

OTHER AFFECTED

AGENCIES: Department of Health.

EFFECTIVE DATE: Upon approval.