

STAND. COM. REP. NO.

1050

Honolulu, Hawaii

MAR 03, 2023

RE: H.B. No. 378
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which
was referred H.B. No. 378, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Include as a requirement for registration as a clinic under the Uniform Controlled Substances Act that the clinic be located at least seven hundred fifty feet away from a school;
- (2) Prohibit the issuance or renewal of a State of Hawaii controlled substance registration for a methadone clinic or substance use disorder services clinic if the clinic is within seven hundred fifty feet of a school;
- (3) Authorize the revocation or suspension of a controlled substance registration if the registrant is a methadone clinic or substance use disorder services clinic that has located or relocated within seven hundred fifty feet of a school;



- (4) Include as a requirement for registration as a methadone treatment program that the program be located at least seven hundred fifty feet away from a school; and
- (5) Establish a Substance Use Disorder Services Clinic Working Group to collaborate and consult on issues relating to addiction recovery and public safety.

Your Committee received testimony in support of this measure from the Department of Education, Community Art Recreation Education Services, and four individuals. Your Committee received testimony in opposition to this measure from the Hawaii Substance Abuse Coalition; Hawai'i Health & Harm Reduction Center; Ho'opono Na Mea Ola; CHAMP Clinic; Habilitat, Inc.; Hawai'i Society of Addiction Medicine; and numerous individuals. Your Committee received comments on this measure from the Department of Law Enforcement, Department of Public Safety, Department of Health, Disability and Communication Access Board, Hawaii Disability Rights Center, Hawaii Primary Care Association, and three individuals.

Your Committee finds that clinics that provide services to address substance use disorders are vital for persons to access necessary treatment and care. Your Committee further finds that determining the locations of such clinics must balance the interest of promoting necessary treatment and care with the interest of public safety. This measure is a vehicle to collaborate on finding the right balance.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that:
 - (A) Amended the requirements for registration under the Uniform Controlled Substances Act as a clinic by requiring that the clinic be located at least seven hundred fifty feet away from a school;
 - (B) Prohibited the issuance or renewal of a State of Hawaii controlled substance registration for a methadone clinic or substance use disorder services clinic if the clinic is within seven hundred fifty feet of a school;



- (C) Authorized the revocation or suspension of a controlled substance registration if the registrant is a methadone clinic or substance use disorder services clinic that has located or relocated within seven hundred fifty feet of a school;
 - (D) Amended the requirements for the registration of a methadone treatment program by requiring the program to be located at least seven hundred fifty feet away from a school; and
 - (E) Provided that an organization or a person registered as a clinic under the Uniform Controlled Substances Act must comply with the new requirements within three years of this measure's enactment;
- (2) Including among the factors for determining whether the issuance of a controlled substances registration is against public interest, the prevention of activities within the applicant's areas that are potentially injurious to the health, safety, and welfare of the public and neighborhood; and
 - (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 378, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 378, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
& Commerce,


MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 378 HD1	Committee Referral: HLT, CPC	Date: 02-28-23		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	/			
2. SAYAMA, Jackson D. (VC)	/			
3. AMATO, Terez			/	
4. BELATTI, Della Au				/
5. HASHEM, Mark J.	/			
6. HUSSEY-BURDICK, Natalia	/			
7. GATES, Cedric Asuega				/
8. LOWEN, Nicole E.	/			
9. ONISHI, Richard H.K.	/			
10. TAM, Adrian K.		/		
11. PIERICK, Elijah			/	
TOTAL (11)	6	1	2	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				