

REPORT OF THE COMMITTEE ON HOUSING, SUSTAINABILITY AND HEALTH

Voting Members

Matt Weyer, Chair; Esther Kia'āina, Vice-Chair;
Tyler Dos-Santos-Tam, Val Okimoto, Augie Tulba

Committee Meeting Held
June 21, 2023

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Housing, Sustainability and Health, to which was referred Bill 28 (2023) entitled:

"A BILL FOR AN ORDINANCE RELATING TO NALOXONE,"

which passed second reading and was the subject of a public hearing held at the June 7, 2023 Council meeting, reports as follows:

The purpose of this bill is to promote public health, safety, and welfare by enhancing access to naloxone hydrochloride.

Your Committee considered and approved a CD1 version, as discussed at the meeting (OCS2023-0593/6/22/2023 3:31 PM), that makes the following amendments:

- A. In SECTION 2 of the bill, amends the following:
1. Adds introductory language to § 34-___.1 ("**Definitions**").
 2. Revises the title to § 34-___.2 ("**Requirement to provide naloxone**") to substitute "maintain" for "provide" to be consistent with the section.
 3. Fills in the blank in § 34-___.2 to require a minimum of two doses of naloxone be available at included businesses.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON **JUL 12 2023**

COMMITTEE REPORT NO. **190**

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4. Removes the "**Enforcing agency**" section and renumbers the subsequent sections.
5. Revises the title of § 34-___.6 from "**Civil Penalty**" to "**Penalty**."
6. Revises § 34-___.6 to add "included" before "business" to limit the application of the penalty to businesses included under the article.

B. Makes miscellaneous technical and nonsubstantive amendments.

The Director of Emergency Services and the Assistant Administrator of the Liquor Commission provided comments and responded to the Councilmembers' questions.

At your Committee's meeting, Kapālama Neighborhood Security Watch and two individuals testified in support of the bill.

Your Committee received written testimony in support of the bill from Progressive Democrats of Hawaii, Hawaii Public Health Institute, and six individuals.

Your Committee on Housing, Sustainability and Health is in accord with the intent and purpose of Bill 28 (2023), as amended herein, and recommends that it pass third reading, in the form attached hereto as Bill 28 (2023), CD1. (Ayes: Dos Santos-Tam, Kia'āina, Okimoto, Tulba, Weyer – 5; Noes: None.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

JUL 12 2023

COMMITTEE REPORT NO.

190



A BILL FOR AN ORDINANCE

RELATING TO NALOXONE.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to promote public health, safety, and welfare by enhancing access to naloxone hydrochloride ("naloxone").

Naloxone is a nonselective opioid receptor antagonist that reverses the effects of respiratory depression and sedation by displacing opioids from the mu-opioid receptor in the central nervous system. Timely administration of naloxone, usually within minutes of the first signs of an opioid overdose, can counter the overdose effects.

There is a prevalence of opioid-related deaths in Hawai'i. According to the Hawai'i State Department of Health, from August 2017 to August 2018, there were 59 deaths from an opioid overdose. This has only worsened: in 2020, that number increased to 274, a nearly 500% increase.

The chance of an overdose can drastically increase when opioids are combined with alcohol. The drugs can enhance each other's effects, causing a number of serious side effects and/or death.

Fortunately, naloxone has been proven to counter overdose effects and save lives. Naloxone is not a controlled substance and has no known abuse potential. Naloxone is a potentially life-saving treatment when used together with other appropriate measures (e.g. calling 911). Current evidence suggests that increasing access to naloxone has the potential to reduce opioid overdose deaths. Due to its life-saving benefits, naloxone has been approved by the U.S. Food and Drug Administration to be made available over-the-counter.

Accordingly, the City Council ("Council") finds that the opioid epidemic is a serious issue. Furthermore, the Council finds that establishments that primarily serve alcohol are particularly high-risk locations for opioid overdoses and that the accessibility of naloxone in these locations must be increased.

Therefore, this ordinance requires that certain classes, kinds, and categories of liquor-licensed establishments:

1. Maintain a certain amount of naloxone on their premises; and
2. Train managers in the proper administration of naloxone.



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SECTION 2. Chapter 34, Revised Ordinances of Honolulu 2021 ("Regulation of Businesses"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

"ARTICLE __: NALOXONE

§ 34-__1 Definitions.

For the purposes of this article, the following definitions apply unless the context indicates or requires a different meaning.

Included business. A business licensed by the Honolulu liquor commission to sell or serve liquor and included in one or more of the following classes under State law:

- (1) Class 2: Restaurant license, as defined in HRS § 281-31(c);
- (2) Class 5: Dispenser license, as defined in HRS § 281-31(f);
- (3) Class 9: Tour or cruise vessel license, as defined in HRS § 281-31(i);
- (4) Class 11: Cabaret license, as defined in HRS § 281-31(k);
- (5) Class 14: Brewpub license, as defined in HRS § 281-31(n); and
- (6) Class 18: Small craft producer pub license, as defined in HRS § 281-31(r).

Manager. The designated person duly registered with the Honolulu liquor commission as a manager or assistant manager who is in active charge of the licensed premises during the hours during which the business is permitted, under its license, to sell or serve liquor.

§ 34-__2 Requirement to maintain naloxone.

Included businesses must maintain a minimum of two doses of naloxone on their premises, which may be administered to an individual to reverse the effects of an opioid overdose.

§ 34-__3 Employee training.

All managers of any included business must be trained in the proper administration of naloxone.



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§ 34-__4 Maintenance.

Included businesses must:

- (1) Ensure that any naloxone required to be maintained on the premises is stored in accordance with the guidelines set forth by the manufacturer; and
- (2) Replace any doses of naloxone that are past their expiration date, as determined by the manufacturer.

§ 34-__5 Protection from liability.

Any person who provides or administers naloxone pursuant to this article is subject to the protection from liability of HRS § 663-1.5(a).

§ 34-__6 Penalty.

Any included business violating this article is subject to a fine of not more than \$200. Nothing in this article may be interpreted to preclude the Honolulu liquor commission from enforcing its own rules."



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SECTION 3. This ordinance takes effect on January 1, 2024.

INTRODUCED BY:

Tyler Dos Santos-Tam

DATE OF INTRODUCTION:

March 29, 2023
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

RICK BLANGIARDI, Mayor
City and County of Honolulu