
A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 PART I

2 SECTION 1. The legislature finds that the department of
3 public safety charges fees relating to the registration and
4 control of the manufacture, distribution, prescription, and
5 dispensing of controlled substances within this state. The
6 department also collects fees from manufacturers, wholesalers,
7 retailers, and other persons who sell, transfer, or otherwise
8 furnish certain chemicals that are precursors to controlled
9 substances. Fees are also collected from patients qualified for
10 the medical use of marijuana. All of these fees are deposited
11 into the controlled substance registration revolving fund
12 established under section 329-59, Hawaii Revised Statutes.

13 The legislature also finds that one of the criteria used by
14 the auditor in evaluating special or revolving funds is the
15 extent to which the fund reflects a clear link between the
16 benefit sought and charges made upon the users or beneficiaries
17 of the program, as opposed to serving primarily as a means to
18 provide the program or users with an automatic means of support



1 that is removed from the normal budget and appropriations
2 process. Use of the controlled substance registration revolving
3 fund to offset the cost of regulating those who make payments
4 into the fund meets the criterion used by the auditor to
5 evaluate special and revolving funds.

6 The purpose of this part is to authorize the director of
7 public safety to offset the cost of investigating violations of
8 chapter 329, Hawaii Revised Statutes, the Uniform Controlled
9 Substances Act, including funding operations of the narcotics
10 enforcement division's forensic drug laboratory facility, with
11 money appropriated from the controlled substance registration
12 revolving fund.

13 SECTION 2. Section 329-59, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) There is established within the state treasury the
16 controlled substance registration revolving fund. The fund
17 shall be expended at the discretion of the director of public
18 safety for the purpose of:

19 (1) Offsetting the cost of the electronic prescription
20 accountability system, investigation of violations of
21 this chapter, the registration and control of the
22 manufacture, distribution, prescription, and



1 (b) Any of the following substances, except those narcotic
2 drugs listed in other schedules, whether produced directly or
3 indirectly by extraction from substances of vegetable origin, or
4 independently by means of chemical synthesis, or by combination
5 of extraction and chemical synthesis:

6 (1) Opium and opiate, and any salt, compound, derivative,
7 or preparation of opium or opiate, including the
8 following:

- 9 (A) Raw opium;
10 (B) Opium extracts;
11 (C) Opium fluid;
12 (D) Powdered opium;
13 (E) Granulated opium;
14 (F) Codeine;
15 (G) Ethylmorphine;
16 (H) Etorphine hydrochloride;
17 (I) Hydrocodone;
18 (J) Hydromorphone;
19 (K) Metopon;
20 (L) Morphine;
21 (M) Oxycodone;
22 (N) Oxymorphone; and



- 1 (0) Thebaine;
- 2 (2) Any salt, compound, isomer, derivative, or preparation
- 3 thereof which is chemically equivalent or identical
- 4 with any of the substances referred to in paragraph
- 5 (1), but not including the isoquinoline alkaloids of
- 6 opium;
- 7 (3) Opium poppy and poppy straw;
- 8 (4) Coca leaves and any salt, compound, derivative, or
- 9 preparation of coca leaves, and any salt, compound,
- 10 derivative, or preparation thereof which is chemically
- 11 equivalent or identical with any of these substances,
- 12 but not including decocanized coca leaves or
- 13 extractions which do not contain cocaine or ecgonine;
- 14 cocaine or any salt or isomer thereof; and
- 15 (5) Concentrate of poppy straw (the crude extract of poppy
- 16 straw in either liquid, solid, or powder form that
- 17 contains the phenanthrene alkaloids of the opium
- 18 poppy).
- 19 (c) Any of the following opiates, including their isomers,
- 20 esters, ethers, salts, and salts of isomers, whenever the
- 21 existence of these isomers, esters, ethers, and salts is
- 22 possible within the specific chemical designation:



- 1 (1) Alfentanil;
- 2 (2) Alphaprodine;
- 3 (3) Anileridine;
- 4 (4) Bezitramide;
- 5 (5) Bulk Dextropropoxyphene (nondosage form);
- 6 (6) Carfentanil;
- 7 (7) Dihydrocodeine;
- 8 (8) Diphenoxylate;
- 9 (9) Fentanyl;
- 10 (10) Isomethadone;
- 11 (11) Levo-alphaacetylmethadol (LAAM);
- 12 (12) Levomethorphan;
- 13 (13) Levorphanol;
- 14 (14) Metazocine;
- 15 (15) Methadone;
- 16 (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-
- 17 diphenyl butane;
- 18 (17) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-
- 19 diphenyl-propane-carboxylic acid;
- 20 (18) Pethidine (Meperidine);
- 21 (19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
- 22 phenylpiperidine;



- 1 (20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-
2 carboxylate;
- 3 (21) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-
4 4-carboxylic acid;
- 5 (22) Phenazocine;
- 6 (23) Piminodine;
- 7 (24) Racemethorphan;
- 8 (25) Racemorphan;
- 9 (26) Remifentanil; and
- 10 (27) Sufentanil.
- 11 (d) Depressants. Unless specifically excepted or unless
12 listed in another schedule, any material, compound, mixture, or
13 preparation which contains any quantity of the following
14 substances having a depressant effect on the central nervous
15 system[+], including their isomers, esters, ethers, salts, and
16 salts of isomers, esters, and ethers, unless specifically
17 excepted, whenever the existence of these isomers, esters,
18 ethers, and salts is possible within the specific chemical
19 designation:
- 20 (1) Amobarbital;
- 21 (2) Glutethimide;
- 22 (3) Pentobarbital;



- 1 (4) Phencyclidine;
2 [~~(5) Phencyclidine immediate precursors:~~
3 ~~(A) 1-phenycyclohexylamine;~~
4 ~~(B) 1-piperidinocyclohexanecarbonitrile (PCC);~~] and
5 [~~(6)~~] (5) Secobarbital.

6 (e) Stimulants. Any material, compound, mixture, or
7 preparation which contains any quantity of the following
8 substances having a danger or probable danger associated with a
9 stimulant effect on the central nervous system:

- 10 (1) Amphetamine, its salts, optical isomers, and salts of
11 its optical isomers;
12 (2) Any substance which contains any quantity of
13 methamphetamine, including its salts, isomers, and
14 salts of isomers[~~-~~];
15 (3) Phenmetrazine and its salts; and
16 (4) Methylphenidate.

17 [~~(f) Any material, compound, mixture, or preparation which~~
18 ~~contains any quantity of the following substances having a~~
19 ~~degree of danger or probable danger associated with a stimulant~~
20 ~~effect on the central nervous system:~~

- 21 ~~(1) Phenmetrazine and its salts;~~
22 ~~(2) Phenylacetone (P2P);~~



1 ~~(3) Methylphenidate.]~~

2 (f) Immediate precursor. Unless listed in another
3 schedule, any material, compound, mixture, or preparation which
4 contains any quantity of the following substances:

5 (1) Immediate precursor to amphetamine and
6 methamphetamine:

7 (A) Phenylacetone, phenyl-2-propanone(P2P), benzyl
8 methyl ketone, methyl benzyl ketone.

9 or

10 (2) Immediate precursors to phencyclidine (PCP):

11 (A) 1-phenylcyclohexylamine; and

12 (B) 1-piperidinocyclohexanecarbonitrile(PCC).

13 (g) Hallucinogenic substances, unless listed in another
14 schedule, shall include:

15 (1) Nabilone."

16 SECTION 5. Section 329-20, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) Depressants. Any material, compound, mixture, or
19 preparation which contains any quantity of the following
20 substances ~~having~~, including its salts, isomers, esters,
21 ethers, and salts of isomers, whenever the existence of these
22 isomers, esters, ethers, and salts is possible within the



1 specific chemical designation, that has a degree of danger or
2 probable danger
3 associated with a depressant effect on the central nervous
4 system:

- 5 (1) Alprazolam;
- 6 (2) Barbital;
- 7 (3) Bromazepam;
- 8 (4) Butorphanol;
- 9 (5) Camazepam;
- 10 (6) Carisoprodol;
- 11 (7) Chloral betaine;
- 12 (8) Chloral hydrate;
- 13 (9) Chlordiazepoxide;
- 14 (10) Clobazam;
- 15 (11) Clonazepam;
- 16 (12) Clorazepate;
- 17 (13) Clotiazepam;
- 18 (14) Cloxazolam;
- 19 (15) Delorazepam;
- 20 (16) Dichloralphenazone (Midrin);
- 21 (17) Diazepam;
- 22 (18) Estazolam;



- 1 (19) Ethchlorvynol;
- 2 (20) Ethinamate;
- 3 (21) Ethyl loflazepate;
- 4 (22) Fludiazepam;
- 5 (23) Flunitrazepam;
- 6 (24) Flurazepam;
- 7 (25) Halazepam;
- 8 (26) Haloxazolam;
- 9 (27) Ketazolam;
- 10 (28) Loprazolam;
- 11 (29) Lorazepam;
- 12 (30) Lormetazepam;
- 13 (31) Mebutamate;
- 14 (32) Medazepam;
- 15 (33) Meprobamate;
- 16 (34) Methohexital;
- 17 (35) Methylphenobarbital (mephobarbital);
- 18 (36) Midazolam;
- 19 (37) Nimetazepam;
- 20 (38) Nitrazepam;
- 21 (39) Nordiazepam;
- 22 (40) Oxazepam;



- 1 (41) Oxazolam;
- 2 (42) Paraldehyde;
- 3 (43) Petrichloral;
- 4 (44) Phenobarbital;
- 5 (45) Pinazepam;
- 6 (46) Prazepam;
- 7 (47) Quazepam;
- 8 (48) Temazepam;
- 9 (49) Tetrazepam;
- 10 (50) Triazolam;
- 11 (51) Zaleplon;
- 12 (52) Zolpidem; and
- 13 (53) Zopiclone (Lunesta)."

14 SECTION 6. Section 329-22, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§329-22 **Schedule V.** (a) The controlled substances listed
17 in this section are included in schedule V.

18 (b) Narcotic drugs containing nonnarcotic active medicinal
19 ingredients. Any compound, mixture, or preparation containing
20 limited quantities of any of the following narcotic drugs, which
21 also contains one or more nonnarcotic active medicinal ingredients
22 in sufficient proportion to confer upon the compound, mixture, or



1 preparation, valuable medicinal qualities other than those
2 possessed by the narcotic drug alone:

3 (1) Not more than 200 milligrams of codeine, or any of its
4 salts, per 100 milliliters or per 100 grams;

5 (2) Not more than 100 milligrams of dihydrocodeine, or any
6 of its salts, per 100 milliliters or per 100 grams;

7 (3) Not more than 100 milligrams of ethylmorphine, or any of
8 its salts, per 100 milliliters or per 100 grams;

9 (4) Not more than 2.5 milligrams of diphenoxylate and not
10 less than 25 micrograms of atropine sulfate per dosage
11 unit;

12 (5) Not more than 100 milligrams of opium per 100
13 milliliters or per 100 grams; and

14 (6) Not more than 0.5 milligram of difenoxin and not less
15 than 25 micrograms of atropine sulfate per dosage unit.

16 (c) Stimulants. Unless specifically exempted or excluded
17 or unless listed in another schedule, any material, compound,
18 mixture, or preparation that contains any quantity of the
19 following substances having a stimulant effect on the central
20 nervous system, including its salts, isomers, and salts of
21 isomers[+]

22 ~~(1) Pyrovalerone].~~



1 (d) Depressants. Unless specifically exempted or excluded
2 or unless listed in another schedule, any material, compound,
3 mixture, or preparation that contains any quantity of the
4 following substances having a depressant effect on the central
5 nervous system, including its salts, isomers, and salts of
6 isomers:

7 (1) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic
8 acid]."

9 SECTION 7. Section 329-75, Hawaii Revised Statutes,
10 is amended to read as follows:

11 **"§329-75 Sales of products, mixtures, or preparations**
12 **containing pseudoephedrine; reporting requirement for**
13 **wholesalers.** (a) Notwithstanding any other law to the
14 contrary, a pharmacy or retailer may dispense, sell, or
15 distribute to a person without a prescription not more than 3.6
16 grams per day without regard to the number of transactions, of
17 any product, mixture, or preparation containing any detectable
18 quantity of pseudoephedrine, its salts, optical isomers, or
19 salts of optical isomers, as the only active ingredient or in
20 combination with other active ingredients; provided that the
21 pharmacy or retailer complies with the following conditions:



1 (1) The product, mixture, or preparation shall be
2 dispensed, sold, or distributed from an area not
3 accessible by customers or the general public, such as
4 behind the counter or in a locked display case and
5 where the seller delivers the product directly into
6 the custody of the purchaser; and

7 (2) Any person purchasing or otherwise acquiring any
8 product, mixture, or preparation shall:

9 (A) Produce proper identification containing the
10 photograph, printed name, and signature of the
11 individual obtaining the controlled substance;
12 and

13 (B) Sign a written log, receipt, or other program or
14 mechanism approved by the administrator, showing
15 the date of the transaction, name and address of
16 the person, and the amount of the compound,
17 mixture, or preparation.

18 No person shall purchase, receive, or otherwise acquire more
19 than nine grams of any product, mixture, or preparation
20 containing any detectable quantity of pseudoephedrine or its
21 salts, isomers, or salts of optical isomers within a thirty-day
22 period, except that this limit shall not apply to any quantity

1 of such product, mixture, or preparation dispensed pursuant to a
2 valid prescription.

3 ~~[(b) The sales restriction in this section, as it applies~~
4 ~~to products, mixtures, or preparations containing any detectable~~
5 ~~quantity of pseudoephedrine, its salts, optical isomers, or~~
6 ~~salts of optical isomers, shall not apply to any products,~~
7 ~~mixtures, or preparations that are in liquid, liquid capsule, or~~
8 ~~gel capsule form if pseudoephedrine is not the only active~~
9 ~~ingredient.~~

10 ~~(e)]~~ (b) The department, by rule, may exempt other
11 products from this section, if the administrator finds that the
12 products are not used in the illegal manufacture of
13 methamphetamine or other controlled substances. A manufacturer
14 of a drug product may apply for removal of the product from this
15 section if the product is determined by the administrator to
16 have been formulated in such a way as to effectively prevent the
17 conversion of the active ingredient into methamphetamine.

18 ~~[(d)]~~ (c) Notwithstanding any other provision of this
19 chapter to the contrary, every wholesaler shall report to the
20 administrator all sales made to any retailer, of any product,
21 mixture, or preparation containing any detectable quantity of
22 pseudoephedrine, its salts, optical isomers, or salts of optical



1 isomers, as the only active ingredient or in combination with
2 other active ingredients. The department shall provide a common
3 reporting form that contains at least the following information
4 about the product, mixture, or preparation:

- 5 (1) Generic or other name;
- 6 (2) Quantity sold;
- 7 (3) Date of sale;
- 8 (4) Name and address of the wholesaler; and
- 9 (5) Name and address of the retailer."

10 PART III

11 SECTION 8. Statutory material to be repealed is bracketed
12 and stricken, except bracketed and not stricken material
13 contained within the name of a substance listed in section 329-
14 22(d)(1), Hawaii Revised Statutes, in section 6 of this Act is
15 not to be repealed.

16 SECTION 9. This Act shall take effect upon its approval.



Report Title:

Controlled Substances

Description:

Authorizes the use of the controlled substance registration revolving fund to offset costs of investigating violations of the Uniform Controlled Substances Act including operations of the Narcotic Enforcement Division's forensic drug laboratory. Makes Hawaii's controlled substance laws consistent with that of federal law. (SB 1491 HD2)

