

H.B. NO. 2410

A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 SECTION 1. Section 329-64, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The requirements imposed by sections 329-62, [~~329-~~
4 ~~63,~~] 329-63(a), and 329-67 of this part shall not apply to any
5 of the following:

- 6 (1) Any pharmacist or other authorized person who sells or
7 furnishes a substance upon the prescription of a
8 physician, dentist, podiatrist, or veterinarian;
- 9 (2) Any physician, dentist, podiatrist, or veterinarian
10 who administers or furnishes a substance to patients;
- 11 (3) Any manufacturer or wholesaler licensed by the State
12 who sells, transfers, or otherwise furnishes a
13 substance to a licensed pharmacy, physician, dentist,
14 podiatrist, or veterinarian; and
- 15 (4) Any sale, transfer, furnishing, or receipt of any drug
16 which contains [~~ephedrine,~~] pseudoephedrine[~~,~~] or
17 norpseudoephedrine [~~,~~ ~~or~~ ~~phenylpropanolamine~~ ~~and~~] which
18 is lawfully sold, transferred, or furnished over the

1 counter without a prescription pursuant to the federal
2 Food, Drug, and Cosmetic Act (21 United States Code
3 Sec. 301 et seq.) or regulations adopted thereunder[-]
4 as long as they comply with the requirements of
5 sections 329-73, 329-74, and 329-75.

6 (5) Any "dietary supplement" as defined by the federal
7 Food, Drug, and Cosmetic Act (21 United States Code
8 Sec. 301) containing ephedrine alkaloids extracted
9 from any species of Ephedra that meets all of the
10 following criteria:

11 (A) It contains, per dosage unit or serving, not more
12 than twenty-five milligrams of ephedrine
13 alkaloids and its labeling does not suggest or
14 recommend a total daily intake of more than one
15 hundred milligrams of ephedrine alkaloids;

16 (B) It contains no hydrochloride or sulfate salts of
17 ephedrine alkaloids;

18 (C) It is packaged with a prominent label securely
19 affixed to each package that states all of the
20 following:

21 (i) The amount in milligrams of ephedrine
22 alkaloids in a dosage unit or serving;

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- 1 (ii) The amount of the dietary supplement that
- 2 constitutes a dosage unit or serving; and
- 3 (iii) The maximum recommended dosage of ephedrine
- 4 alkaloids for a healthy adult human is not
- 5 more than one hundred milligrams in a
- 6 twenty-four hour period."

7 SECTION 2. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: Calvin K. H. Boy
BY REQUEST

JAN 23 2006

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES.

PURPOSE: The purpose of this bill is to amend section 329-64, Hawaii Revised Statutes, to conform with changes to the Uniform Controlled Substances Act enacted by Act 193, Session Laws of Hawaii 2005.

MEANS: Amend section 329-64(a), Hawaii Revised Statutes.

JUSTIFICATION: Act 193, Session Laws of Hawaii, added three new sections to chapter 329, Hawaii Revised Statutes, relating to the sale and transport of pseudoephedrine products. The proposed amendments to section 329-64(a) clarify that the "sale, transfer, furnishing, or receipt" of pseudoephedrine and norpseudoephedrine are regulated by these new sections.

Impact on the public: Clarifies the intent of Act 193/Session Laws of Hawaii, 2005 relating to the sale of pseudoephedrine.

Impact on the department and other agencies: These proposed amendments would assist NED in clarifying regulations of the Uniform Controlled Substances Act.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: PSD 502.

OTHER AFFECTED AGENCIES: Department of Health Food and Drug Branch

EFFECTIVE DATE: Upon approval.