
A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 SECTION 1. Section 329-20, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Depressants. Any material, compound, mixture, or
4 preparation which contains any quantity of the following
5 substances having a degree of danger or probable danger
6 associated with a depressant effect on the central nervous
7 system:

- 8 (1) Alprazolam;
9 (2) Barbital;
10 (3) Bromazepam;
11 (4) Butorphanol;
12 (5) Camazepam;
13 (6) Carisoprodol;
14 (7) Chloral betaine;
15 (8) Chloral hydrate;
16 (9) Chlordiazepoxide;
17 (10) Clobazam;
18 (11) Clonazepam;



- 1 (12) Clorazepate;
- 2 (13) Clotiazepam;
- 3 (14) Cloxazolam;
- 4 (15) Delorazepam;
- 5 (16) Dichloralphenazone (Midrin);
- 6 (17) Diazepam;
- 7 (18) Estazolam;
- 8 (19) Ethchlorvynol;
- 9 (20) Ethinamate;
- 10 (21) Ethyl loflazepate;
- 11 (22) Fludiazepam;
- 12 (23) Flunitrazepam;
- 13 (24) Flurazepam;
- 14 (25) Halazepam;
- 15 (26) Haloxazolam;
- 16 (27) Ketazolam;
- 17 (28) Loprazolam;
- 18 (29) Lorazepam;
- 19 (30) Lormetazepam;
- 20 (31) Mebutamate;
- 21 (32) Medazepam;
- 22 (33) Meprobamate;



- 1 (34) Methohexital;
- 2 (35) Methylphenobarbital (mephobarbital);
- 3 (36) Midazolam;
- 4 (37) Nimetazepam;
- 5 (38) Nitrazepam;
- 6 (39) Nordiazepam;
- 7 (40) Oxazepam;
- 8 (41) Oxazolam;
- 9 (42) Paraldehyde;
- 10 (43) Petrichloral;
- 11 (44) Phenobarbital;
- 12 (45) Pinazepam;
- 13 (46) Prazepam;
- 14 (47) Quazepam;
- 15 (48) Temazepam;
- 16 (49) Tetrazepam;
- 17 (50) Triazolam;
- 18 (51) Zaleplon; [~~and~~]
- 19 (52) Zolpidem[-]; and
- 20 (53) Zopiclone (Lunesta)."

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

1 "(a) The requirements imposed by sections 329-62, [~~329-~~
2 ~~63,~~] 329-63(a), and 329-67 of this part shall not apply to any
3 of the following:

4 (1) Any pharmacist or other authorized person who sells or
5 furnishes a substance upon the prescription of a
6 physician, dentist, podiatrist, or veterinarian;

7 (2) Any physician, dentist, podiatrist, or veterinarian
8 who administers or furnishes a substance to patients;

9 (3) Any manufacturer or wholesaler licensed by the State
10 who sells, transfers, or otherwise furnishes a
11 substance to a licensed pharmacy, physician, dentist,
12 podiatrist, or veterinarian; [~~and~~]

13 (4) Any sale, transfer, furnishing, or receipt of any drug
14 [~~which~~] that contains [~~ephedrine,~~] pseudoephedrine [~~,~~
15 or norpseudoephedrine [~~, or phenylpropanolamine and~~
16 ~~which~~] that is lawfully sold, transferred, or
17 furnished over the counter without a prescription
18 pursuant to the federal Food, Drug, and Cosmetic Act
19 (21 United States Code Sec. 301 et seq.) or
20 regulations adopted thereunder[~~-~~] as long as it
21 complies with the requirements of sections 329-73,
22 329-74, and 329-75; and

- 1 (5) Any "dietary supplement" as defined by the federal
2 Food, Drug, and Cosmetic Act (21 United States Code
3 Sec. 301) containing ephedrine alkaloids extracted
4 from any species of Ephedra that meets all of the
5 following criteria:
- 6 (A) It contains, per dosage unit or serving, not more
7 than twenty-five milligrams of ephedrine
8 alkaloids and its labeling does not suggest or
9 recommend a total daily intake of more than one
10 hundred milligrams of ephedrine alkaloids;
- 11 (B) It contains no hydrochloride or sulfate salts of
12 ephedrine alkaloids; and
- 13 (C) It is packaged with a prominent label securely
14 affixed to each package that states all of the
15 following:
- 16 (i) The amount in milligrams of ephedrine
17 alkaloids in a dosage unit or serving;
- 18 (ii) The amount of the dietary supplement that
19 constitutes a dosage unit or serving; and
- 20 (iii) The maximum recommended dosage of ephedrine
21 alkaloids for a healthy adult human is not



1 more than one hundred milligrams in a
2 twenty-four hour period."

3 SECTION 3. Section 329-75, Hawaii Revised Statutes, is
4 amended to read as follows:

5 " ~~[†]~~ §329-75 ~~[†]~~ **Sales of products, mixtures, or**
6 **preparations containing pseudoephedrine; reporting requirement**
7 **for wholesalers.** (a) Notwithstanding any other law to the
8 contrary, a pharmacy or retailer may dispense, sell, or
9 distribute without a prescription not more than ~~three packages~~
10 ~~or not more than nine~~ 3.6 grams per [transaction] day without
11 regard to the number of transactions, of any product, mixture,
12 or preparation containing any detectable quantity of
13 pseudoephedrine, its salts, optical isomers, or salts of optical
14 isomers, as the only active ingredient or in combination with
15 other active ingredients; provided that the pharmacy or retailer
16 complies with the following conditions:

17 ~~[-(1) The product, mixture, or preparation shall be~~
18 ~~dispensed, sold, or distributed from an area that is~~
19 ~~in the direct line of sight of an employee at the~~
20 ~~checkout station or counter;~~

21 ~~-(2) The product, mixture, or preparation shall be~~
22 ~~dispensed, sold, or distributed from an area that is~~



1 ~~under constant video monitoring with signage placed~~
2 ~~near the drug that warns that the area is under~~
3 ~~constant video monitoring; or]~~

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

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

12 (A) Produce proper identification containing the
13 photograph, printed name, and signature of the
14 individual obtaining the controlled substance;
15 and

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

21 No person shall purchase, receive, or otherwise acquire more
22 than nine grams of any product, mixture, or preparation

1 containing any detectable quantity of pseudoephedrine or its
2 salts, isomers, or salts of optical isomers within a thirty-day
3 period, except that this limit shall not apply to any quantity of
4 such product, mixture, or preparation dispensed pursuant to a
5 valid prescription.

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

13 (c) The department, by rule, may exempt other products
14 from this section, [~~including extended-release pseudoephedrine~~
15 ~~combination products,~~] if the administrator finds that the
16 products are not used in the illegal manufacture of
17 methamphetamine or other controlled substances. A manufacturer
18 of a drug product may apply for removal of the product from this
19 section if the product is determined by the administrator to
20 have been formulated in such a way as to effectively prevent the
21 conversion of the active ingredient into methamphetamine.



1 (d) Notwithstanding any other provision of this chapter to
2 the contrary, every wholesaler shall report to the administrator
3 all sales made to any retailer, of any product, mixture, or
4 preparation containing any detectable quantity of
5 pseudoephedrine, its salts, optical isomers, or salts of optical
6 isomers, as the only active ingredient or in combination with
7 other active ingredients. The department shall provide a common
8 reporting form that contains at least the following information
9 about the product, mixture, or preparation:

- 10 (1) Generic or other name;
11 (2) Quantity sold;
12 (3) Date of sale;
13 (4) Name and address of the wholesaler; and
14 (5) Name and address of the retailer.

15 ~~[(e) For purposes of this section, "extended release~~
16 ~~pseudoephedrine combination product" means any product~~
17 ~~containing pseudoephedrine that also contains other ingredients~~
18 ~~that protect the pseudoephedrine from immediate release and~~
19 ~~prevent the pseudoephedrine from being extracted.] "~~

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 5. Section 3 of this Act shall take effect on
2 October 1, 2006. All other sections of this Act shall take
3 effect upon its approval.



HB2410, SD2

Report Title:

Drugs; Pseudoephedrine; Lunesta

Description:

Amends statutory provisions to conform with changes to the Uniform Controlled Substances Act enacted in 2005. (SD2)

