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## A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1           SECTION 1. Section 329-75, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§329-75 Sales of products, mixtures, or preparations**  
4 **containing pseudoephedrine; reporting requirement for**  
5 **wholesalers[-]; electronic log.** (a) Notwithstanding any other  
6 law to the contrary, a pharmacy or retailer may dispense, sell,  
7 or distribute to a person without a prescription not more than  
8 3.6 grams per day without regard to the number of transactions,  
9 of any product, mixture, or preparation containing any  
10 detectable quantity of pseudoephedrine, its salts, optical  
11 isomers, or salts of optical isomers, as the only active  
12 ingredient or in combination with other active ingredients;  
13 provided that the pharmacy or retailer complies with the  
14 following conditions:

15           (1) The product, mixture, or preparation shall be  
16           dispensed, sold, or distributed from an area not  
17           accessible by customers or the general public, such as  
18           behind the counter or in a locked display case and



1 where the seller delivers the product directly into  
2 the custody of the purchaser; and

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

5 (A) Produce proper identification containing the  
6 photograph, printed name, and signature of the  
7 individual obtaining the controlled substance;  
8 and

9 (B) Sign a written log, receipt, or other program or  
10 mechanism approved by the administrator, showing  
11 the date of the transaction, name and address of  
12 the person, and the amount of the compound,  
13 mixture, or preparation. The pharmacy or  
14 retailer shall electronically record the  
15 information obtained under this subparagraph, and  
16 shall forward the information in an electronic  
17 format designated by the administrator for  
18 posting onto an electronic purchase log  
19 established under subsection (d).

20 No person shall purchase, receive, or otherwise acquire more  
21 than nine grams of any product, mixture, or preparation  
22 containing any detectable quantity of pseudoephedrine or its



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

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

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

20 ~~[(d)]~~ (c) Notwithstanding any other provision of this  
21 chapter to the contrary, every wholesaler shall report to the  
22 administrator all sales made to any retailer, of any product,



1 mixture, or preparation containing any detectable quantity of  
2 pseudoephedrine, its salts, optical isomers, or salts of optical  
3 isomers, as the only active ingredient or in combination with  
4 other active ingredients. The department shall provide a common  
5 reporting form that contains at least the following information  
6 about the product, mixture, or preparation:

7 (1) Generic or other name;

8 (2) Quantity sold;

9 (3) Date of sale;

10 (4) Name and address of the wholesaler; and

11 (5) Name and address of the retailer.

12 (d) The department shall establish and maintain an  
13 electronic purchase log of the information forwarded to the  
14 administrator pursuant to subsection (a). The electronic  
15 purchase log shall be accessible by all state, county, and  
16 federal law enforcement agencies for the sole purpose of:

17 (1) Identifying persons who make multiple purchases at  
18 various establishments to accumulate pseudoephedrine  
19 in quantities sufficient for possible use in  
20 manufacturing methamphetamine;

21 (2) Ascertaining the location of a clandestine  
22 methamphetamine manufacturing operation; and



1       (3) Use as evidence in any criminal prosecution arising  
2           from paragraphs (1) and (2).

3       (e) Intentional or knowing failure to transmit any  
4       information as required by this section shall be a misdemeanor  
5       and shall result in the immediate suspension of that retailer's  
6       ability to sell any product, mixture, or preparation containing  
7       any detectable quantity of pseudoephedrine, its salts, optical  
8       isomers, or salts of optical isomers, as the only active  
9       ingredient or in combination with other active ingredients until  
10       authorized by the administrator."

11       SECTION 2. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$            or so much  
13 thereof as may be necessary for fiscal year 2008-2009 for one  
14 permanent program specialist V position and one permanent clerk  
15 IV, and funds necessary for the establishment, maintenance, and  
16 development of a statewide electronic purchase log tracking  
17 system of all retail sales of any product, mixture, or  
18 preparation containing any detectable quantity of  
19 pseudoephedrine within the narcotics enforcement division,  
20 department of public safety.

21       The sum appropriated shall be expended by the department of  
22 public safety for the purposes of this Act.



# H.B. NO. 2345

1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2008.  
4

INTRODUCED BY:

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**Report Title:**

Pseudoephedrine; Electronic Logbook; Reporting

**Description:**

Requires pharmacies and retailers of controlled substances to record and forward information about pseudoephedrine sales to the narcotics enforcement division. Requires the division to maintain an electronic purchase logbook.

