
A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 SECTION 1. The legislature finds that to assist law
2 enforcement in its efforts to combat the illegal manufacturing
3 of methamphetamine, the State needs a centralized real-time
4 electronic logbook to document transactions made at pharmacies
5 or retailers that involve the sale of products containing
6 pseudoephedrine. The purpose of this Act is to automate the
7 existing reporting requirements established in state law for
8 purchasing pseudoephedrine.

9 SECTION 2. Chapter 329, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§329- Electronic purchase logbook. (a) By December
13 31, 2010, the narcotics enforcement division of the department
14 shall establish and maintain an electronic purchase logbook to
15 enter transactions required to be reported pursuant to section
16 329-75(a). The logbook shall:



1 (1) Be capable of checking compliance with all state,
2 county, and federal laws, including interfacing with
3 other states to ensure comprehensive compliance; and

4 (2) Be subject to random and warrantless inspection by
5 state, county, or federal law enforcement officers.

6 The narcotics enforcement division of the department may
7 contract with a private vendor to implement this section.

8 (b) A pharmacy or retailer shall electronically record the
9 information obtained under section 329-75 and shall forward the
10 information in an electronic format designated by the
11 administrator for posting onto the electronic purchase logbook
12 established under this section.

13 (c) Purchase information shall be submitted in real-time
14 and shall include:

15 (1) The date of the transaction;

16 (2) The name, date of birth, and address of the person
17 making the purchase;

18 (3) The type of identification provided by the purchaser,
19 the identification number, and the issuing state or
20 agency; and

21 (4) The amount and name of the compound, mixture, or
22 preparation being purchased.



1 (d) The narcotics enforcement division of the department
2 shall provide access to the electronic logbook to:

3 (1) Any person authorized to prescribe or dispense
4 products containing pseudoephedrine to provide medical
5 care or pharmaceutical care;

6 (2) A state, county, or federal law enforcement officer or
7 a state, county, or federal prosecutor;

8 (3) A state, county, or federal official who requests
9 access for the purpose of facilitating a product
10 recall necessary for the protection of the public's
11 health and safety;

12 (4) The state board of pharmacy to investigate a
13 suspicious transaction; and

14 (5) Any individual or agency authorized by the
15 administrator.

16 (e) The narcotics enforcement division of the department
17 shall maintain the data in the electronic logbook for a period
18 of up to three years from the date of its entry; provided that
19 if the electronic record is being used in an ongoing criminal or
20 administrative investigation or proceeding, it may be kept
21 longer.



1 (f) A person commits an offense if the person knowingly:

2 (1) Releases or discloses to any unauthorized person, any
3 confidential information collected and maintained
4 under this section;

5 (2) Obtains confidential information for a purpose not
6 authorized by this section; or

7 (3) Fails to transmit any information as required under
8 this section.

9 An offense committed under this subsection is a misdemeanor.

10 The intentional or knowing failure to transmit any information
11 as required under this section shall result in the immediate
12 suspension of the authority of the pharmacy or retailer to sell
13 any product, mixture, or preparation containing any detectable
14 quantity of pseudoephedrine, its salts, optical isomers, or
15 salts of optical isomers, as the only active ingredient or in
16 combination with other active ingredients until otherwise
17 authorized by the administrator.

18 As used in this subsection, "knowingly" and "intentionally"
19 have the meanings as provided in section 702-206.

20 (g) The narcotics enforcement division of the department
21 shall adopt rules pursuant to chapter 91 to carry out the
22 purposes of this section."



1 SECTION 3. 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.** (a) Notwithstanding any other law to the
6 contrary, a pharmacy or retailer may dispense, sell, or
7 distribute to a person without a prescription not more than 3.6
8 grams per day without regard to the number of transactions, of
9 any product, mixture, or preparation containing any detectable
10 quantity of pseudoephedrine, its salts, optical isomers, or
11 salts of optical isomers, as the only active ingredient or in
12 combination with other active ingredients; provided that the
13 pharmacy or retailer complies with the following conditions:

14 (1) The product, mixture, or preparation shall be
15 dispensed, sold, or distributed from an area not
16 accessible by customers or the general public, such as
17 behind the counter or in a locked display case and
18 where the seller delivers the product directly into
19 the custody of the purchaser; and

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



1 (A) Produce proper identification containing the
2 photograph, printed name, and signature of the
3 individual obtaining the controlled substance;
4 and

5 (B) Sign a written log, receipt, or other program or
6 mechanism approved by the administrator, showing
7 the date of the transaction, name and address of
8 the person, and the amount of the compound,
9 mixture, or preparation.

10 No person shall purchase, receive, or otherwise acquire more
11 than nine grams of any product, mixture, or preparation
12 containing any detectable quantity of pseudoephedrine or its
13 salts, isomers, or salts of optical isomers within a thirty-day
14 period, except that this limit shall not apply to any quantity
15 of such product, mixture, or preparation dispensed pursuant to a
16 valid prescription.

17 ~~[(b) The sales restriction in this section, as it applies~~
18 ~~to products, mixtures, or preparations containing any detectable~~
19 ~~quantity of pseudoephedrine, its salts, optical isomers, or~~
20 ~~salts of optical isomers, shall not apply to any products,~~
21 ~~mixtures, or preparations that are in liquid, liquid capsule, or~~



1 ~~gel capsule form if pseudoephedrine is not the only active~~
2 ~~ingredient.~~

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

11 ~~(d)]~~(c) Notwithstanding any other provision of this
12 chapter to the contrary, every wholesaler shall report to the
13 administrator all sales made to any retailer, of any product,
14 mixture, or preparation containing any detectable quantity of
15 pseudoephedrine, its salts, optical isomers, or salts of optical
16 isomers, as the only active ingredient or in combination with
17 other active ingredients. The department shall provide a common
18 reporting form that contains at least the following information
19 about the product, mixture, or preparation:

- 20 (1) Generic or other name;
21 (2) Quantity sold;
22 (3) Date of sale;



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

2 (5) Name and address of the retailer."

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

5 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Pseudoephedrine Sales; Reporting; Electronic Logbook

Description:

Requires the narcotics enforcement division of the department of public safety to maintain an electronic purchase logbook for sales of pseudoephedrine and related substances. Effective 07/01/2050. (HB2530 HD2)

