
A BILL FOR AN ACT

RELATING TO PSEUDOEPHEDRINE SALES.

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

1 SECTION 1. Section 329-75, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

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



- 1 (2) Any person purchasing or otherwise acquiring any
2 product, mixture, or preparation shall[+
3 ~~(A) Produce~~] produce proper identification containing
4 the photograph, date of birth, printed name,
5 [~~and~~] signature, and address of the individual
6 obtaining the controlled substance; [~~and~~
7 ~~(B) Sign a written log, receipt, or other program or~~
8 ~~mechanism approved by the administrator, showing~~
9 ~~the date of the transaction, name and address of~~
10 ~~the person, and the amount of the compound,~~
11 ~~mixture, or preparation.]~~
- 12 (3) The pharmacy or retailer shall record, in an
13 electronic log on software provided by the narcotics
14 enforcement division of the department and approved by
15 the administrator: the date of the transaction; the
16 name, address, and date of birth of the person; the
17 type of identification provided by the person; the
18 agency issuing the identification used; any unique
19 number associated with the identification; and the
20 amount and name of the compound, mixture, or
21 preparation; and



1 (4) The pharmacy or retailer shall record the information
2 required under paragraph (3) on an Excel worksheet on
3 software provided by the narcotics enforcement
4 division of the department and electronically mailed
5 to the narcotics enforcement division once a month.
6 The information shall be retained by the pharmacy or
7 retailer for a period of two years. The electronic
8 log shall be capable of checking compliance against
9 all state and federal laws, including interfacing with
10 other states to ensure comprehensive compliance, and
11 shall be subject to random and warrantless inspection
12 by county or state law enforcement officers.

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

20 SECTION 2. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun, before its effective date.



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 January 1, 2050;
4 provided that a pharmacy or retailer shall have until January 1,
5 2050, to establish the electronic log using software provided by
6 the narcotics enforcement division of the department of public
7 safety required under this Act.



S.B. NO. 2373
S.D. 1
H.D. 1

Report Title:

Pseudoephedrine; Sales; Electronic Log

Description:

Requires electronic logs of pseudoephedrine sales to be made via an Excel worksheet provided by the Department of Public Safety Narcotics Enforcement Division and maintained for two years in a form searchable by law enforcement. Effective 1/1/2050.

(SB2373 HD1)

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