
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:
- 16 (A) The date of any transaction under paragraph (2);
- 17 (B) The name, address, and date of birth of the
- 18 person;
- 19 (C) The type of identification provided by the
- 20 individual obtaining the controlled substance;
- 21 (D) The agency issuing the identification used; and



1 (E) The name of the compound, mixture, or
2 preparation, and the amount;
3 provided that no other information shall be required
4 of the individual obtaining the controlled substance;
5 and
6 (4) The pharmacy or retailer shall:
7 (A) Record the information required under paragraph
8 (3) on an electronic worksheet on software
9 provided by the narcotics enforcement division of
10 the department; and
11 (B) Electronically mail the worksheet record to the
12 narcotics enforcement division once a month.
13 The information shall be retained by the pharmacy or
14 retailer for a period of two years. The electronic
15 log shall be capable of being checked for compliance
16 against all state and federal laws, including
17 interfacing with other states to ensure comprehensive
18 compliance, and shall be subject to random and
19 warrantless inspection by county or state law
20 enforcement officers.

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
4 of such product, mixture, or preparation dispensed pursuant to a
5 valid prescription."

6 SECTION 2. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun, before its effective date.

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 Statutory material to be repealed is bracketed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

11 SECTION 4. This Act shall take effect on January 1, 2050;
12 provided that a pharmacy or retailer shall have until January 1,
13 2050, to establish the electronic log using software provided by
14 the narcotics enforcement division of the department of public
15 safety required under this Act.



S.B. NO. 2373
S.D. 1
H.D. 2

Report Title:

Pseudoephedrine; Sales; Electronic Log

Description:

Requires pharmacies and retailers to maintain an electronic log of sales of pseudoephedrine and related products and transmit the information to the Department of Public Safety Narcotics Enforcement Division on a monthly basis. Effective 1/1/2050.
(SB2373 HD2)

SB2373 HD2 HMS 2008-3368

