
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 the department of
2 public safety charges fees relating to the registration and
3 control of the manufacture, distribution, prescription, and
4 dispensing of controlled substances within this State. The
5 department also collects fees from manufacturers, wholesalers,
6 retailers, and other persons who sell, transfer, or otherwise
7 furnish certain chemicals that are precursors to controlled
8 substances. Fees are also collected from patients qualified for
9 the medical use of marijuana. All of these fees are deposited
10 into the controlled substance registration revolving fund
11 established under section 329-59, Hawaii Revised Statutes.

12 The legislature also finds that one of the criteria used by
13 the auditor in evaluating special or revolving funds is the
14 extent to which the fund reflects a clear link between the
15 benefit sought and charges made upon the users or beneficiaries
16 of the program, as opposed to serving primarily as a means to
17 provide the program or users with an automatic means of support
18 that is removed from the normal budget and appropriations



1 process. Use of the controlled substance registration revolving
2 fund to offset the cost of regulating those who make payments
3 into the fund meets the criterion used by the auditor to
4 evaluate special and revolving funds.

5 It is the purpose of this Act to permit the director of
6 public safety to offset the cost of investigating violations of
7 chapter 329, Hawaii Revised Statutes, the Uniform Controlled
8 Substances Act, including funding operations of the narcotics
9 enforcement division's forensic drug laboratory facility, with
10 money appropriated from the controlled substance registration
11 revolving fund.

12 SECTION 2. Section 329-59, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§329-59 Controlled substance registration revolving fund;**
15 **established.** (a) There is established within the state
16 treasury the controlled substance registration revolving fund.
17 The fund shall be expended at the discretion of the director of
18 public safety for the purpose of:

19 (1) Offsetting the cost of the electronic prescription
20 accountability system, investigation of violations,
21 the registration and control of the manufacture,
22 distribution, prescription, and dispensation of



1 controlled substances and regulated chemicals listed
2 under section 329-61, within the State and the
3 processing and issuance of a patient registry
4 identification certificate designated under part IX;
5 [~~and~~]

6 (2) Funding positions authorized by the legislature by
7 law[~~-~~]; or

8 (3) Funding the narcotics enforcement division's forensic
9 drug laboratory facility.

10 (b) The fund shall consist of all moneys derived from fees
11 collected pursuant to sections 329-31, 329-67, and 329-123(b)
12 and legislative appropriations. All fees collected pursuant to
13 sections 329-31, 329-67, and 329-123(b) shall be deposited in
14 the controlled substance registration revolving fund."

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

17 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Controlled Substances

Description:

Authorizes the use of the controlled substance registration revolving fund to offset costs of investigating violations of the Uniform Controlled Substances Act including operations of the Narcotic Enforcement Division's forensic drug laboratory.
(SD1)

