

JAN 17 2008

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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. The legislature finds that in order to assist  
2 law enforcement in its efforts to combat methamphetamine, the  
3 State needs a centralized real-time electronic logbook to  
4 document transactions made at pharmacies that involve the sale  
5 of products containing ephedrine, pseudophedrine, and  
6 phenylpropanolamine. The purpose of this Act is to automate the  
7 existing reporting requirements established in state law for  
8 purchasing pseudophedrine and similar substances.

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, 2008, the narcotics enforcement division, department of  
14 public safety, shall establish and maintain an electronic  
15 purchase logbook for the purpose of entering transactions  
16 required to be reported pursuant to subsection 329-75(a). The  
17 logbook shall be capable of checking compliance of all state,



1 county, and federal laws, including interfacing with other  
2 states to ensure comprehensive compliance. The log shall:

- 3 (1) Be kept for a period of two years; 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 of public  
7 safety may contract with a private vendor to implement this  
8 section.

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

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

- 16 (1) The date of the transaction;
- 17 (2) The name, date of birth, and address of the person  
18 making the purchase;
- 19 (3) The type of identification provided by the purchaser,  
20 the identification number, and the issuing state or  
21 agency; and



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

3        (d) The narcotics enforcement division of the department  
4 of public safety shall provide access to the real-time  
5 electronic logbook to:

6        (1) Any person authorized to prescribe or dispense  
7                    products containing ephedrine, pseudoephedrine, or  
8                    phenylpropanolamine for the purpose of providing  
9                    medical care or pharmaceutical care;

10       (2) A state, county, or federal law enforcement official  
11                   or a state, county, or federal prosecutor;

12       (3) A state, county, or federal official who requests  
13                   access for the purpose of facilitating a product  
14                   recall necessary for the protection of the public  
15                   health and safety; and

16       (4) The state board of pharmacy for the purpose of  
17                   investigating a suspicious transaction.

18       (e) The narcotics enforcement division of the department  
19 of public safety shall adopt rules pursuant to chapter 91 to  
20 carry out the purposes of this section.

21       (f) The narcotics enforcement division of the department  
22 of public safety shall destroy any transaction record maintained



1 in the real-time electronic logbook within two years from the  
2 date of its entry unless the electronic record is being used in  
3 an ongoing criminal investigation or criminal proceeding.

4 (g) A person commits an offense if the person knowingly:

5 (1) Releases or discloses to any unauthorized person any  
6 confidential information collected and maintained  
7 under this section; or

8 (2) Obtains confidential information for a purpose not  
9 authorized by this section.

10 A violation of this subsection is a misdemeanor.

11 As used in this section, "knowingly" has the meaning  
12 provided in section 702-206."

13 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: Shiranne Chun Oalland



**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.

