
A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 SECTION 1. Section 329-16, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Any of the following opiates, including their
4 isomers, esters, ethers, salts, and salts of isomers, whenever
5 the existence of these isomers, esters, ethers, and salts is
6 possible within the specific chemical designation:

- 7 (1) Alfentanil;
- 8 (2) Alphaprodine;
- 9 (3) Anileridine;
- 10 (4) Bezitramide;
- 11 (5) Bulk Dextropropoxyphene (nondosage form);
- 12 (6) Carfentanil;
- 13 (7) Dihydrocodeine;
- 14 (8) Diphenoxylate;
- 15 (9) Fentanyl;
- 16 (10) Isomethadone;
- 17 (11) Levo-alphaacetylmethadol (LAAM);

- 1 (12) Levomethorphan;
- 2 (13) Levorphanol;
- 3 (14) Metazocine;
- 4 (15) Methadone;
- 5 (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
- 6 4-dphenyl butane;
- 7 (17) Moramide-Intermediate, 2-methyl-3-morpholino-1,
- 8 1-diphenyl-propane-carboxylic acid;
- 9 (18) Pethidine (Meperidine);
- 10 (19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
- 11 phenylpiperidine;
- 12 (20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-
- 13 4-carboxylate;
- 14 (21) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-
- 15 4-carboxylic acid;
- 16 (22) Phenazocine;
- 17 (23) Piminodine;
- 18 (24) Racemethorphan;
- 19 (25) Racemorphan;
- 20 (26) Remifentanil; [~~and~~]
- 21 (27) Sufentanil [~~-~~]; and
- 22 (28) Tapentadol."

1 SECTION 2. Section 329-20, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Depressants. Any material, compound, mixture, or
4 preparation which contains any quantity of the following
5 substances, including its salts, isomers, esters, ethers, and
6 salts of isomers, whenever the existence of these isomers,
7 esters, ethers, and salts is possible within the specific
8 chemical designation, that has a degree of danger or probable
9 danger associated with a depressant effect on the central
10 nervous system:

- 11 (1) Alprazolam;
- 12 (2) Barbital;
- 13 (3) Bromazepam;
- 14 (4) Butorphanol;
- 15 (5) Camazepam;
- 16 (6) Carisoprodol;
- 17 (7) Chloral betaine;
- 18 (8) Chloral hydrate;
- 19 (9) Chlordiazepoxide;
- 20 (10) Clobazam;
- 21 (11) Clonazepam;
- 22 (12) Clorazepate;

- 1 (13) Clotiazepam;
- 2 (14) Cloxazolam;
- 3 (15) Delorazepam;
- 4 (16) Dichloralphenazone (Midrin);
- 5 (17) Diazepam;
- 6 (18) Estazolam;
- 7 (19) Ethchlorvynol;
- 8 (20) Ethinamate;
- 9 (21) Ethyl loflazepate;
- 10 (22) Fludiazepam;
- 11 (23) Flunitrazepam;
- 12 (24) Flurazepam;
- 13 (25) Fospropofol (Lusedra);
- 14 [~~+25~~] (26) Halazepam;
- 15 [~~+26~~] (27) Haloxazolam;
- 16 [~~+27~~] (28) Ketazolam;
- 17 [~~+28~~] (29) Loprazolam;
- 18 [~~+29~~] (30) Lorazepam;
- 19 [~~+30~~] (31) Lormetazepam;
- 20 [~~+31~~] (32) Mebutamate;
- 21 [~~+32~~] (33) Medazepam;
- 22 [~~+33~~] (34) Meprobamate;

- 1 [~~(34)~~] (35) Methohexital;
- 2 [~~(35)~~] (36) Methylphenobarbital (mephobarbital);
- 3 [~~(36)~~] (37) Midazolam;
- 4 [~~(37)~~] (38) Nimetazepam;
- 5 [~~(38)~~] (39) Nitrazepam;
- 6 [~~(39)~~] (40) Nordiazepam;
- 7 [~~(40)~~] (41) Oxazepam;
- 8 [~~(41)~~] (42) Oxazolam;
- 9 [~~(42)~~] (43) Paraldehyde;
- 10 [~~(43)~~] (44) Petrichloral;
- 11 [~~(44)~~] (45) Phenobarbital;
- 12 [~~(45)~~] (46) Pinazepam;
- 13 [~~(46)~~] (47) Prazepam;
- 14 [~~(47)~~] (48) Quazepam;
- 15 [~~(48)~~] (49) Temazepam;
- 16 [~~(49)~~] (50) Tetrazepam;
- 17 [~~(50)~~] (51) Triazolam;
- 18 [~~(51)~~] (52) Zaleplon;
- 19 [~~(52)~~] (53) Zolpidem; and
- 20 [~~(53)~~] (54) Zopiclone (Lunesta)."

21 SECTION 3. Section 329-22, Hawaii Revised Statutes, is

22 amended by amending subsection (d) to read as follows:

SB2745 SD1.DOC

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SB2745 SD1.DOC

1 "(d) Depressants. Unless specifically exempted or
2 excluded or unless listed in another schedule, any material,
3 compound, mixture, or preparation that contains any quantity of
4 the following substances having a depressant effect on the
5 central nervous system, including its salts, isomers, and salts
6 of isomers:

7 (1) Lacosamide ((R)-2-acetoamido-N-benzyl-3-methoxy-
8 propionamide), (Vimpat); and

9 ~~[(1)]~~ (2) Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic
10 acid)."

11 SECTION 4. Section 329-35, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§329-35 Order to show cause.** (a) ~~[Before denying,~~
14 ~~suspending, or revoking a registration, or refusing a renewal of~~
15 ~~registration, the department of public safety shall serve upon~~
16 ~~the applicant or registrant an order to show cause why~~
17 ~~registration should not be denied, revoked, or suspended, or why~~
18 ~~the renewal should not be refused. The order to show cause~~
19 ~~shall contain a statement of the basis therefor and shall call~~
20 ~~upon the applicant or registrant to appear before the department~~
21 ~~of public safety at a time and place not less than thirty days~~
22 ~~after the date of service of the order, but in the case of a~~

1 ~~denial or renewal of registration the show cause order shall be~~
2 ~~served not later than thirty days before the expiration of the~~
3 ~~registration. These proceedings shall be conducted in~~
4 ~~accordance with chapter 91 without regard to any criminal~~
5 ~~prosecution or other proceeding. Proceedings to refuse renewal~~
6 ~~of registration shall not abate the existing registration which~~
7 ~~shall remain in effect pending the outcome of the administrative~~
8 ~~hearing.] If, upon examination of the application for~~
9 ~~registration from any applicant and other information gathered~~
10 ~~by the department regarding the applicant, the administrator is~~
11 ~~unable to make the determinations required by the applicable~~
12 ~~provisions of sections 329-32 and 329-33 and applicable rules to~~
13 ~~register the applicant, the administrator shall serve upon the~~
14 ~~applicant an order to show cause why the registration should not~~
15 ~~be denied.~~

16 (b) If, upon information gathered by the department
17 regarding any registrant, the administrator determines that the
18 registration of the registrant warrants suspension or revocation
19 pursuant to section 329-34 or applicable rules, the department
20 shall serve upon the registrant an order to show cause why the
21 registration should not be revoked or suspended.

1 (c) The order to show cause shall call upon the applicant
2 or registrant to appear before the department at a time and
3 place stated in the order, which shall not be less than thirty
4 days after the date of receipt of the order. The order to show
5 cause shall also contain a statement of the legal basis for such
6 hearing and for the denial of the application, or the revocation
7 or suspension of registration, and a summary of the matters of
8 fact and law asserted.

9 (d) Upon receipt of an order to show cause, the applicant
10 or registrant shall, if the registrant or applicant desires a
11 hearing, file a request for a hearing with the department within
12 thirty days after service of the order to show cause. Failure
13 to request a hearing shall result in the automatic termination
14 of the registrant's registration and in the case of a new
15 application or renewal the unprocessed application shall be
16 returned to the applicant.

17 [~~(b)~~] (e) The department of public safety may suspend any
18 registration simultaneously with the institution of proceedings
19 under section 329-34, or where renewal of registration is
20 refused, if it finds that there is an imminent danger to the
21 public health or safety which warrants this action. The
22 suspension shall continue in effect until the conclusion of the

1 proceedings, including judicial review thereof, unless sooner
2 withdrawn by the department of public safety or dissolved by a
3 court of competent jurisdiction.

4 ~~[(e)]~~ (f) The department of public safety may subpoena and
5 examine witnesses under oath upon all such charges as may be
6 ~~[preferred]~~ referred before it ~~[, and the circuit court of the~~
7 ~~circuit in which the hearing is held shall enforce by~~
8 ~~appropriate order the attendance and testimony of witnesses so~~
9 ~~subpoenaed]."~~

10 SECTION 5. Section 329-64, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) The requirements imposed by sections 329-62~~[,]~~ and
13 329-63(a) ~~[, and 329-67]~~ of this part shall not apply to any of
14 the following:

- 15 (1) Any pharmacist or other authorized person who sells or
16 furnishes a substance upon the prescription of a
17 physician, dentist, podiatrist, or veterinarian;
- 18 (2) Any physician, dentist, podiatrist, or veterinarian
19 who administers or furnishes a substance to patients;
- 20 (3) Any manufacturer or wholesaler licensed by the State
21 who sells, transfers, or otherwise furnishes a

- 1 substance to a licensed pharmacy, physician, dentist,
2 podiatrist, or veterinarian; and
- 3 (4) Any sale, transfer, furnishing, or receipt of any drug
4 that contains pseudoephedrine or norpseudoephedrine
5 that is lawfully sold, transferred, or furnished over
6 the counter without a prescription pursuant to the
7 federal Food, Drug, and Cosmetic Act (21 United States
8 Code Sec. 301 et seq.) or regulations adopted
9 thereunder as long as it complies with the
10 requirements of sections 329-73, 329-74, and 329-75 [÷
11 and
- 12 ~~(5) Any "dietary supplement" as defined by the federal~~
13 ~~Food, Drug, and Cosmetic Act (21 United States Code~~
14 ~~Sec. 301) containing ephedrine alkaloids extracted~~
15 ~~from any species of Ephedra that meets all of the~~
16 ~~following criteria:~~
- 17 ~~(A) It contains, per dosage unit or serving, not more~~
18 ~~than twenty-five milligrams of ephedrine~~
19 ~~alkaloids and its labeling does not suggest or~~
20 ~~recommend a total daily intake of more than one~~
21 ~~hundred milligrams of ephedrine alkaloids;~~

- 1 ~~(B) It contains no hydrochloride or sulfate salts of~~
2 ~~ephedrine alkaloids; and~~
- 3 ~~(C) It is packaged with a prominent label securely~~
4 ~~affixed to each package that states all of the~~
5 ~~following:~~
- 6 ~~(i) The amount in milligrams of ephedrine~~
7 ~~alkaloids in a dosage unit or serving;~~
- 8 ~~(ii) The amount of the dietary supplement that~~
9 ~~constitutes a dosage unit or serving; and~~
- 10 ~~(iii) The maximum recommended dosage of ephedrine~~
11 ~~alkaloids for a healthy adult human is not~~
12 ~~more than one hundred milligrams in a~~
13 ~~twenty-four-hour period]."~~

14 SECTION 6. Section 329-101, Hawaii Revised Statutes, is
15 amended by amending subsection (f) to read as follows:

16 "(f) Intentional or knowing failure to transmit any
17 information as required by this section, including a request by
18 the designated state agency for data corrections, shall be a
19 misdemeanor, may incur administrative fines, and shall result in
20 the immediate suspension of that pharmacy or practitioner's
21 ability to dispense controlled [+]substances[+] in the State
22 until authorized by the administrator."

1 SECTION 7. Section 329-104, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§329-104 Confidentiality of information; disclosure of**
4 **information.** (a) The information collected under this part
5 shall not be available to the public or used for any commercial
6 purpose. Ownership of all data collected shall reside with the
7 State.

8 (b) Responsibility for limiting access to information in
9 the system is vested in the administrator. Access to the
10 information collected at the central repository pursuant to this
11 part shall be confidential, and access to the information shall
12 be limited to[+]

13 ~~(1) Personnel]~~ personnel of the designated state agency[+
14 and

15 ~~(2) The Drug Enforcement Administration diversion group~~
16 ~~supervisor].~~

17 (c) This section shall not prevent the disclosure, at the
18 discretion of the administrator, of investigative information
19 to:

20 (1) Law enforcement officers, investigative agents of
21 federal, state, or county law enforcement agencies,
22 United States attorneys, county prosecuting attorneys,

1 or the attorney general; provided that the
2 administrator has reasonable grounds to believe that
3 the disclosure of any information collected under this
4 part is in furtherance of an ongoing criminal or
5 regulatory investigation or prosecution;

6 (2) Registrants authorized under chapters 448, 453, and
7 463E who are registered to administer, prescribe, or
8 dispense controlled substances; provided that the
9 information disclosed relates only to the registrant's
10 own patient;

11 (3) Pharmacists, employed by a pharmacy registered under
12 section 329-32, who request prescription information
13 about a customer relating to a violation or possible
14 violation of this chapter; or

15 (4) Other state-authorized governmental prescription-
16 monitoring programs.

17 Information disclosed to a registrant, pharmacist, or authorized
18 government agency under this section shall be transmitted by a
19 secure means determined by the designated agency.

20 (d) No person shall knowingly disclose or attempt to
21 disclose, or use or attempt to use, information in the system in

1 violation of this section. Any person who violates this section
2 is guilty of a class C felony.

3 (e) The designated state agency shall purge or cause to be
4 purged from the central repository system, no later than [~~three~~
5 five years after the date a patient's prescription data are made
6 available to the designated state agency, the identification
7 number of the patient, unless the information is part of an
8 active investigation."

9 SECTION 8. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 9. This Act shall take effect upon its approval.

12

Report Title:

Controlled Substances

Description:

Makes Hawaii's controlled substance laws consistent with that of federal law and clarifies sections of chapter 329, Hawaii Revised Statutes relating to controlled substances. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.