
A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 SECTION 1. Section 329-14, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) Any material, compound, mixture, or preparation that
4 contains any quantity of the following hallucinogenic
5 substances, their salts, isomers, and salts of isomers, unless
6 specifically excepted, whenever the existence of these salts,
7 isomers, and salts of isomers is possible within the specific
8 chemical designation:

- 9 (1) Alpha-ethyltryptamine (AET);
- 10 (2) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 11 (3) 2,5-dimethoxyamphetamine (2,5-DMA);
- 12 (4) 3,4-methylenedioxy amphetamine;
- 13 (5) 3,4-methylenedioxymethamphetamine (MDMA);
- 14 (6) N-hydroxy-3,4-methylenedioxyamphetamine (N-hydroxy-
15 MDA);
- 16 (7) 3,4-methylenedioxy-N-ethylamphetamine (MDE);
- 17 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 18 (9) 4-bromo-2,5-dimethoxy-amphetamine (4-bromo-2,5-DMA);



- 1 (10) 4-Bromo-2,5-dimethoxyphenethylamine (Nexus);
- 2 (11) 3,4,5-trimethoxy amphetamine;
- 3 (12) Bufotenine;
- 4 (13) 4-methoxyamphetamine (PMA);
- 5 (14) Diethyltryptamine;
- 6 (15) Dimethyltryptamine;
- 7 (16) 4-methyl-2,5-dimethoxy-amphetamine;
- 8 (17) Gamma hydroxybutyrate (GHB) (some other names include
- 9 gamma hydroxybutyric acid; 4-hydroxybutyrate; 4-
- 10 hydroxybutanoic acid; sodium oxybate; sodium
- 11 oxybutyrate);
- 12 (18) Ibogaine;
- 13 (19) Lysergic acid diethylamide;
- 14 (20) Marijuana;
- 15 (21) Parahexyl;
- 16 (22) Mescaline;
- 17 (23) Peyote;
- 18 (24) N-ethyl-3-piperidyl benzilate;
- 19 (25) N-methyl-3-piperidyl benzilate;
- 20 (26) Psilocybin;
- 21 (27) Psilocyn;
- 22 (28) 1-[1-(2-Thienyl) cyclohexyl] Pyrrolidine (TCPy);



- 1 (29) Tetrahydrocannabinols;
- 2 (30) Ethylamine analog of phencyclidine (PCE);
- 3 (31) Pyrrolidine analog of phencyclidine (PCPy, PHP);
- 4 (32) Thiophene analog of phencyclidine (TPCP; TCP);
- 5 (33) Gamma-butyrolactone, including butyrolactone;
- 6 butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone
- 7 dihydro; dihydro-2(3H)-furanone; tetrahydro-2-
- 8 furanone; 1,2-butanolide; 1,4-butanolide; 4-
- 9 butanolide; gamma-hydroxybutyric acid lactone; 3-
- 10 hydroxybutyric acid lactone and 4-hydroxybutanoic acid
- 11 lactone with Chemical Abstract Service number 96-48-0
- 12 when any such substance is intended for human
- 13 ingestion;
- 14 (34) 1,4 butanediol, including butanediol; butane-1,4-diol;
- 15 1,4- butylenes glycol; butylene glycol; 1,4-
- 16 dihydroxybutane; 1,4- tetramethylene glycol;
- 17 tetramethylene glycol; tetramethylene 1,4- diol with
- 18 Chemical Abstract Service number 110-63-4 when any
- 19 such substance is intended for human ingestion;
- 20 (35) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7),
- 21 its optical isomers, salts, and salts of isomers;



- 1 (36) N-benzylpiperazine (BZP; 1-benzylpiperazine) its
2 optical isomers, salts, and salts of isomers;
- 3 (37) 1-(3-trifluoromethylphenyl)piperazine (TFMPP), its
4 optical isomers, salts, and salts of isomers;
- 5 (38) Alpha-methyltryptamine (AMT), its isomers, salts, and
6 salts of isomers; [~~and~~]
- 7 (39) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its
8 isomers, salts, and salts of isomers[-];
- 9 (40) Salvia divinorum;
- 10 (41) Salvinorin A; and
- 11 (42) Divinorin A."

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

14 "(c) Any of the following opiates, including their
15 isomers, esters, ethers, salts, and salts of isomers, whenever
16 the existence of these isomers, esters, ethers, and salts is
17 possible within the specific chemical designation:

- 18 (1) Alfentanil;
- 19 (2) Alphaprodine;
- 20 (3) Anileridine;
- 21 (4) Bezitramide;
- 22 (5) Bulk Dextropropoxyphene (nondosage form);



- 1 (6) Carfentanil;
- 2 (7) Dihydrocodeine;
- 3 (8) Diphenoxylate;
- 4 (9) Fentanyl;
- 5 (10) Isomethadone;
- 6 (11) Levo-alphaacetylmethadol (LAAM);
- 7 (12) Levomethorphan;
- 8 (13) Levorphanol;
- 9 (14) Metazocine;
- 10 (15) Methadone;
- 11 (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
12 4-dphenyl butane;
- 13 (17) Moramide-Intermediate, 2-methyl-3-morpholino-1,
14 1-diphenyl-propane-carboxylic acid;
- 15 (18) Pethidine (Meperidine);
- 16 (19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
17 phenylpiperidine;
- 18 (20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-
19 4-carboxylate;
- 20 (21) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-
21 4-carboxylic acid;
- 22 (22) Phenazocine;



- 1 (23) Piminodine;
2 (24) Racemethorphan;
3 (25) Racemorphan;
4 (26) Remifentanil; [~~and~~]
5 (27) Sufentanil[~~-~~]; and
6 (28) Tapentadol."

7 SECTION 3. Section 329-20, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

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

- 17 (1) Alprazolam;
18 (2) Barbitol;
19 (3) Bromazepam;
20 (4) Butorphanol;
21 (5) Camazepam;
22 (6) Carisoprodol;



- 1 (7) Chloral betaine;
- 2 (8) Chloral hydrate;
- 3 (9) Chlordiazepoxide;
- 4 (10) Clobazam;
- 5 (11) Clonazepam;
- 6 (12) Clorazepate;
- 7 (13) Clotiazepam;
- 8 (14) Cloxazolam;
- 9 (15) Delorazepam;
- 10 (16) Dichloralphenazone (Midrin);
- 11 (17) Diazepam;
- 12 (18) Estazolam;
- 13 (19) Ethchlorvynol;
- 14 (20) Ethinamate;
- 15 (21) Ethyl loflazepate;
- 16 (22) Fludiazepam;
- 17 (23) Flunitrazepam;
- 18 (24) Flurazepam;
- 19 (25) Fospropofol (Lusedra);
- 20 [~~25~~] (26) Halazepam;
- 21 [~~26~~] (27) Haloxazolam;
- 22 [~~27~~] (28) Ketazolam;



- 1 [~~+28~~] (29) Loprazolam;
- 2 [~~+29~~] (30) Lorazepam;
- 3 [~~+30~~] (31) Lormetazepam;
- 4 [~~+31~~] (32) Mebutamate;
- 5 [~~+32~~] (33) Medazepam;
- 6 [~~+33~~] (34) Meprobamate;
- 7 [~~+34~~] (35) Methohexital;
- 8 [~~+35~~] (36) Methylphenobarbital (mephorbarbital);
- 9 [~~+36~~] (37) Midazolam;
- 10 [~~+37~~] (38) Nimetazepam;
- 11 [~~+38~~] (39) Nitrazepam;
- 12 [~~+39~~] (40) Nordiazepam;
- 13 [~~+40~~] (41) Oxazepam;
- 14 [~~+41~~] (42) Oxazolam;
- 15 [~~+42~~] (43) Paraldehyde;
- 16 [~~+43~~] (44) Petrichloral;
- 17 [~~+44~~] (45) Phenobarbital;
- 18 [~~+45~~] (46) Pinazepam;
- 19 [~~+46~~] (47) Prazepam;
- 20 [~~+47~~] (48) Quazepam;
- 21 [~~+48~~] (49) Temazepam;
- 22 [~~+49~~] (50) Tetrazepam;



- 1 ~~[(50)]~~ (51) Triazolam;
2 ~~[(51)]~~ (52) Zaleplon;
3 ~~[(52)]~~ (53) Zolpidem; and
4 ~~[(53)]~~ (54) Zopiclone (Lunesta)."

5 SECTION 4. Section 329-22, Hawaii Revised Statutes, is
6 amended by amending subsection (d) to read as follows:

7 "(d) Depressants. Unless specifically exempted or
8 excluded or unless listed in another schedule, any material,
9 compound, mixture, or preparation that contains any quantity of
10 the following substances having a depressant effect on the
11 central nervous system, including its salts, isomers, and salts
12 of isomers:

13 (1) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-
14 propionamide], (Vimpat); and

15 ~~[(1)]~~ (2) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic
16 acid]."

17 SECTION 5. Section 329-35, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§329-35 Order to show cause.** (a) ~~[Before denying,~~
20 ~~suspending, or revoking a registration, or refusing a renewal of~~
21 ~~registration, the department of public safety shall serve upon~~
22 ~~the applicant or registrant an order to show cause why~~



1 ~~registration should not be denied, revoked, or suspended, or why~~
2 ~~the renewal should not be refused. The order to show cause~~
3 ~~shall contain a statement of the basis therefor and shall call~~
4 ~~upon the applicant or registrant to appear before the department~~
5 ~~of public safety at a time and place not less than thirty days~~
6 ~~after the date of service of the order, but in the case of a~~
7 ~~denial or renewal of registration the show cause order shall be~~
8 ~~served not later than thirty days before the expiration of the~~
9 ~~registration. These proceedings shall be conducted in~~
10 ~~accordance with chapter 91 without regard to any criminal~~
11 ~~prosecution or other proceeding. Proceedings to refuse renewal~~
12 ~~of registration shall not abate the existing registration which~~
13 ~~shall remain in effect pending the outcome of the administrative~~
14 ~~hearing.] If, upon examination of the application for~~
15 ~~registration from any applicant and other information gathered~~
16 ~~by the department regarding the applicant, the administrator is~~
17 ~~unable to make the determinations required by the applicable~~
18 ~~provisions of sections 329-32 and 329-33 and applicable rules to~~
19 ~~register the applicant, the administrator shall serve upon the~~
20 ~~applicant an order to show cause why the registration should not~~
21 ~~be denied.~~



1 (b) If, upon information gathered by the department
2 regarding any registrant, the administrator determines that the
3 registration of a registrant warrants suspension or revocation
4 pursuant to section 329-34 or applicable rules, the department
5 shall serve upon the registrant an order to show cause why the
6 registration should not be revoked or suspended.

7 (c) The order to show cause shall call upon the applicant
8 or registrant to:

9 (1) Appear before the department at a time and place
10 stated in the order, which shall not be less than
11 thirty days after the date of receipt of the order, to
12 admit to the allegations in the order to show cause;

13 or

14 (2) Request a hearing as provided in subsection (d).

15 The order to show cause shall also contain a statement of the
16 legal basis for such hearing and the reasons that support the
17 administrator's intent to deny, revoke, or suspend the
18 application, or the revocation or suspension of registration,
19 and a summary of the matters of fact and law asserted.

20 (d) Upon receipt of an order to show cause, the applicant
21 or registrant, if the registrant or applicant desires a hearing,
22 shall file a request for a hearing with the department within



1 thirty days after service of the order to show cause. Failure
2 to request a hearing shall result in the automatic termination
3 of the registrant's registration and in the case of a new
4 application or renewal the unprocessed application shall be
5 returned to the applicant.

6 ~~[(b)]~~ (e) ~~[The]~~ Notwithstanding subsections (a) to (d),
7 department of public safety may suspend any registration
8 simultaneously with the institution of proceedings under section
9 329-34, or where renewal of registration is refused, if it finds
10 that there is an imminent danger to the public health or safety
11 which warrants this action. The suspension shall continue in
12 effect until the conclusion of the proceedings, including
13 judicial review thereof, unless sooner withdrawn by the
14 department of public safety or dissolved by a court of competent
15 jurisdiction.

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



1 SECTION 6. Section 329-64, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The requirements imposed by sections 329-62[~~7~~] and
4 329-63(a) [~~7, and 329-67~~] of this part shall not apply to any of
5 the following:

- 6 (1) Any pharmacist or other authorized person who sells or
7 furnishes a substance upon the prescription of a
8 physician, dentist, podiatrist, or veterinarian;
- 9 (2) Any physician, dentist, podiatrist, or veterinarian
10 who administers or furnishes a substance to patients;
- 11 (3) Any manufacturer or wholesaler licensed by the State
12 who sells, transfers, or otherwise furnishes a
13 substance to a licensed pharmacy, physician, dentist,
14 podiatrist, or veterinarian; and
- 15 (4) Any sale, transfer, furnishing, or receipt of any drug
16 that contains pseudoephedrine or norpseudoephedrine
17 that is lawfully sold, transferred, or furnished over
18 the counter without a prescription pursuant to the
19 federal Food, Drug, and Cosmetic Act (21 United States
20 Code Sec. 301 et seq.) or regulations adopted
21 thereunder as long as it complies with the



1 requirements of sections 329-73, 329-74, and 329-75[+
2 and

3 ~~(5) Any "dietary supplement" as defined by the federal~~
4 ~~Food, Drug, and Cosmetic Act (21 United States Code~~
5 ~~Sec. 301) containing ephedrine alkaloids extracted~~
6 ~~from any species of Ephedra that meets all of the~~
7 ~~following criteria:~~

8 ~~(A) It contains, per dosage unit or serving, not more~~
9 ~~than twenty five milligrams of ephedrine~~
10 ~~alkaloids and its labeling does not suggest or~~
11 ~~recommend a total daily intake of more than one~~
12 ~~hundred milligrams of ephedrine alkaloids;~~

13 ~~(B) It contains no hydrochloride or sulfate salts of~~
14 ~~ephedrine alkaloids; and~~

15 ~~(C) It is packaged with a prominent label securely~~
16 ~~affixed to each package that states all of the~~
17 ~~following:~~

18 ~~(i) The amount in milligrams of ephedrine~~
19 ~~alkaloids in a dosage unit or serving;~~

20 ~~(ii) The amount of the dietary supplement that~~
21 ~~constitutes a dosage unit or serving; and~~



1 ~~(iii) The maximum recommended dosage of ephedrine~~
2 ~~alkaloids for a healthy adult human is not~~
3 ~~more than one hundred milligrams in a~~
4 ~~twenty four hour period]."~~

5 SECTION 7. Section 329-101, Hawaii Revised Statutes, is
6 amended by amending subsection (f) to read as follows:

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

14 SECTION 8. Section 329-104, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§329-104 Confidentiality of information; disclosure of**
17 **information.** (a) The information collected under this part
18 shall not be available to the public or used for any commercial
19 purpose. Ownership of all data collected shall reside with the
20 State.

21 (b) Responsibility for limiting access to information in
22 the system is vested in the administrator. Access to the



1 information collected at the central repository pursuant to this
2 part shall be confidential, and access to the information shall
3 be limited to[+]

- 4 ~~(1) Personnel]~~ personnel of the designated state agency[+
5 and
6 ~~(2) The Drug Enforcement Administration diversion group
7 supervisor].~~

8 (c) This section shall not prevent the disclosure, at the
9 discretion of the administrator, of investigative information
10 to:

- 11 (1) Law enforcement officers, investigative agents of
12 federal, state, or county law enforcement agencies,
13 United States attorneys, county prosecuting attorneys,
14 or the attorney general; provided that the
15 administrator has reasonable grounds to believe that
16 the disclosure of any information collected under this
17 part is in furtherance of an ongoing criminal or
18 regulatory investigation or prosecution;
- 19 (2) Registrants authorized under chapters 448, 453, and
20 463E who are registered to administer, prescribe, or
21 dispense controlled substances; provided that the



1 information disclosed relates only to the registrant's
2 own patient;

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

7 (4) Other state-authorized governmental prescription-
8 monitoring programs.

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

12 (d) No person shall knowingly disclose or attempt to
13 disclose, or use or attempt to use, information in the system in
14 violation of this section. Any person who violates this section
15 is guilty of a class C felony.

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



1 SECTION 9. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 10. This Act shall take effect upon its approval.



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. (SD2)

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

