
A BILL FOR AN ACT

RELATING TO PSEUDOEPHEDRINE.

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 sell or distribute to a person without
5 a prescription not more than 3.6 grams per day, without regard
6 to the number of transactions, of any product, mixture, or
7 preparation containing any detectable quantity of
8 pseudoephedrine, its salts, optical isomers, or salts of optical
9 isomers as the only active ingredient or in combination with
10 other active ingredients; provided that the pharmacy or retailer
11 shall comply with the following conditions:

12 (1) The product, mixture, or preparation shall be sold or
13 distributed from an area not accessible by customers
14 or the general public, such as behind the counter or
15 in a locked display case and where the seller delivers
16 the product directly into the custody of the
17 purchaser;



- 1 (2) Any person purchasing or otherwise acquiring any
2 product, mixture, or preparation shall produce proper
3 identification containing the photograph, date of
4 birth, printed name, signature, and address of the
5 individual obtaining the substance;
- 6 (3) The pharmacy or retailer shall record, in an
7 electronic log on software provided by the narcotics
8 enforcement division of the department and approved by
9 the administrator[+] for any transaction of any amount
10 of pseudoephedrine, its salts, optical isomers, or
11 salts of optical isomers, as the only active
12 ingredient or in combination with other active
13 ingredients, sold, distributed, or otherwise dispensed
14 under this chapter:
- 15 (A) The date of [~~any~~] the transaction [~~under~~
16 ~~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 substance;
- 21 (D) The agency issuing the identification used; and



1 (E) The name of the compound, mixture, or
2 preparation, and the amount; and
3 (4) The pharmacy or retailer shall:
4 (A) Record the information required under paragraph
5 (3) on an electronic worksheet on software
6 provided by the narcotics enforcement division of
7 the department; and
8 (B) Electronically mail the worksheet record to the
9 narcotics enforcement division once a month.
10 The information shall be retained by the pharmacy or
11 retailer for a period of two years. The electronic
12 log shall be capable of being checked for compliance
13 against all state and federal laws, including
14 interfacing with other states to ensure comprehensive
15 compliance, and shall be subject to random and
16 warrantless inspection by county or state law
17 enforcement officers."

18 SECTION 2. (a) The department of public safety shall
19 develop and implement the electronic tracking log pursuant to
20 the requirements of this Act no later than July 1, 2012.

21 (b) The department shall submit a progress report on the
22 electronic log, and any findings and recommendations, to the



1 legislature no later than twenty days prior to the convening of
2 the regular session of 2012.

3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken.

8 SECTION 5. This Act shall take effect on July 1, 2050;
9 provided that section 1 shall take effect on July 1, 2012.



Report Title:

Pseudoephedrine; Tracking

Description:

Requires electronic tracking of distribution of pseudoephedrine or any drug containing pseudoephedrine. Requires report to Legislature prior to the 2012 Regular Session. Effective July 1, 2010. (PROPOSED SB40 HD2)

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