
A BILL FOR AN ACT

RELATING TO PSEUDOEPHEDRINE.

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

1 SECTION 1. Chapter 329, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§329- Pseudoephedrine; electronic tracking. (a) A
5 retailer shall not sell to the same person, and a person shall
6 not purchase products containing more than 3.6 grams per day or
7 more than 9 grams per thirty-day period of pseudoephedrine base,
8 or their salts, isomers, or salts of isomers. The limits shall
9 apply to the total amount of base pseudoephedrine contained in
10 the products, and not the overall weight of the products.

11 (b) Nonprescription products containing pseudoephedrine
12 shall be maintained behind the counter or in a locked case where
13 the customer does not have direct access.

14 (c) Every retailer shall require any person purchasing a
15 nonprescription product that contains pseudoephedrine to present
16 a valid government issued photo identification at the point of
17 sale. The retailer shall record the following:

18 (1) Name and address of the purchaser;



1 (2) Name and quantity of product purchased;

2 (3) Date and time of purchase; and

3 (4) Purchaser identification type and number, such as
4 driver license state and number, and require the
5 purchaser's signature in a logbook.

6 (d) Beginning January 1, 2012, a retailer shall, before
7 completing a sale under this section, electronically submit the
8 required information to the Exchange administered by NADDI.
9 Absent negligence, wantonness, recklessness, or deliberate
10 misconduct, any retailer using the electronic sales tracking
11 system in accordance with this subsection shall not be civilly
12 liable as a result of any act or omission in carrying out the
13 duties required by this subsection, and shall be immune from
14 liability to any third party unless the retailer has violated
15 any provision of this subsection in relation to a claim brought
16 for such violation.

17 (e) If a retailer selling a nonprescription product
18 containing pseudoephedrine experiences mechanical or electronic
19 failure of the electronic sales tracking system and is unable to
20 comply with the electronic sales tracking requirement, the
21 retailer shall maintain a written log or an alternative
22 electronic recordkeeping mechanism until such time as the



1 retailer is able to comply with the electronic sales tracking
2 requirement.

3 (f) NADDI shall forward state transaction records in the
4 Exchange to the appropriate state agency weekly, and provide
5 real-time access to the Exchange information through the online
6 Exchange portal to law enforcement in the State as authorized by
7 the agency.

8 (g) A stop sale alert shall be a notification that
9 completion of the sale would result in the seller or purchaser
10 violating the quantity limits set forth in this section. The
11 seller shall not complete the sale if the electronic
12 saletracking system generates a stop sale alert. The system
13 shall contain an override function that may be used by a
14 retailer of pseudoephedrine who has a reasonable fear of
15 imminent bodily harm if it does not complete a sale. Each
16 instance in which the override function is used shall be logged
17 by the system.

18 (h) A violation of any provision of this section is a
19 misdemeanor, punishable by fine only. If a product is dispensed
20 in violation of subsection (a), the owner or operator of the
21 wholesale or retail establishment dispensing the product shall
22 be in violation of subsection (a).



1 (i) This section shall not apply to a person who obtains
2 the product pursuant to a valid prescription.

3 (j) For purposes of this section:

4 "Exchange" means the National Precursor Log Exchange.

5 "NADDI" means the National Association of Drug Diversion
6 Investigators."

7 SECTION 2. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Pseudoephedrine; Tracking

Description:

Establishes an electronic tracking system for the sale of pseudoephedrine. Effective July 1, 2050. (SB40 HD2)

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

