GOV. MSG. NO. 1148

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

April 23, 2013

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 23, 2013, the following bill was signed into law:

HB944

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT
ACT 048 (13)

Sincerely,

Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor
on APR 2 3 2013

ORIGINAL

ACT 048

H.B. NO. 944

A BILL FOR AN ACT

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

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

SECTION 1. Section 329-14, Hawaii Revised Statutes, is amended by amending subsections (f) and (g) to read as follows:

"(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Aminorex;

(2) Cathinone;

(3) Fenethylline;

(4) Methcathinone;

(5) N-ethylamphetamine;

(6) 4-methylaminorex;

(7) N,N-dimethylamphetamine; and

(8) Substituted cathinones, any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl,

naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

(A) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(B) By substitution at the 3-position with an acyclic alkyl substituent; or

(C) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

Some other trade names: Mephedrone (2-methylamino-1-p-tolylpropan-1-one), also known as 4-methylmethcathinone (4-MMC), methylephedrone or MMCAT; Methylenedioxypyrovalerone (MDPV, MDPK); and methylone or [~~3,4 methylenedioxypyrovalerone.~~] 3,4-methylenedioxymethcathinone.

(g) Any of the following cannabinoids, their salts, isomers, and salts of isomers, unless specifically excepted,

whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Tetrahydrocannabinols; meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers; Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; and Delta 3,4 cis or trans-tetrahydrocannabinol, and its optical isomers (since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions, are covered);

(2) Naphthoylindoles; meaning any compound containing a 3-(1-naphthoyl) indole structure with substitution at the nitrogen atom of the indole ring by a alkyl,

haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent;

(3) Naphthylmethylindoles; meaning any compound containing a 1H-indol-3-yl-(1-naphthyl) methane structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent;

(4) Naphthoylpyrroles; meaning any compound containing a 3-(1-naphthoyl) pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent;

(5) Naphthylmethylindenes; meaning any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent;

(6) Phenylacetylindoles; meaning any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent;

(7) Cyclohexylphenols; meaning any compound containing a 2-(3-hydroxycyclohexyl) phenol structure with substitution at the 5-position of the phenolic ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or

2-(4-morpholinyl) ethyl group whether or not substituted in the cyclohexyl ring to any extent;

(8) Benzoylindoles; meaning any compound containing a 3-(benzoyl) indole structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent;

(9) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-napthalenylmethanone (another trade name is WIN 55,212-2); [~~and~~]

(10) (6a,10a)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (other trade names are: HU-210 and HU-211)[~~.~~]; and

(11) Tetramethylcyclopropanoylindoles; meaning any compound containing a 3-tetramethylcyclopropanoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,

alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent."

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

"(f) Immediate precursor. Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:

(A) Phenylacetone, phenyl-2-propanone(P2P), benzyl methyl ketone, methyl benzyl ketone;

(2) Immediate precursors to phencyclidine (PCP):

(A) 1-phenylcyclohexylamine; and

(B) 1-piperidinocyclohexanecarbonitrile(PCC); or

(3) Immediate precursor to Fentanyl:

(A) ~~[4-anilino-N-Phenethyl-4-piperdine (ANPP).]~~ 4-anilino-N-phenethyl-4-piperidine (ANPP)."

SECTION 3. Section 329-18, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

"(g) Any anabolic steroid. The term "anabolic steroid" means any drug or hormonal substance chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

(1) Boldenone;

(2) Clostebol (4-Chlorotestosterone);

(3) Dehydrochlormethyltestosterone;

(4) Dihydrotestosterone (4-dihydrotestosterone);

(5) Drostanolone;

(6) Ethylestrenol;

(7) Fluoxymesterone;

(8) Formebolone (Formyldienolone);

(9) Mesterolone;

(10) Methandranone;

(11) Methandriol;

(12) Methandrostenolone (Methandienone);

(13) Methenolone;

(14) Methyltestosterone;

(15) Mibolerone;

(16) Nandrolone;

(17) Norethandrolone;

(18) Oxandrolone;

(19) Oxymesterone;

(20) Oxymetholone;

(21) Stanolone (Dihydrotestosterone);

(22) Stanozolol;

(23) Testolactone;

(24) Testosterone;

(25) Trenbolone;

(26) 3[beta], 17-dihydroxy-5a-androstane;

(27) 3[alpha], 17[beta]-dihydroxy-5a-androstane;

(28) 5[alpha]-androstan-3, 17-dione;

(29) 1-androstenediol (3[beta], 17[beta]-dihydroxy-5[alpha]-androst-1-ene);

(30) 1-androstenediol (3[alpha], 17[beta]-dihydroxy-5[alpha]-androst-1-ene);

(31) 4-androstenediol (3[beta], 17[beta]-dihydroxy-androst-4-ene);

(32) 5-androstenediol (3[beta], 17[beta]-dihydroxy-androst-5-ene);

(33) 1-androstenedione ([5[alpha]]-androst-1-en-3, 17-dione);

(34) 4-androstenedione (androst-4-en-3, 17-dione);

(35) 5-androstenedione (androst-5-en-3, 17-dione);

(36) Bolasterone (7[alpha], 17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);

(37) Calusterone (7[beta], 17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);

(38) [Delta]1-dihydrotestosterone (a.k.a. '1-testosterone') (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);

(39) Furazabol (17[alpha]-methyl-17[beta]-hydroxyandrostano[2,3-c]-furazan);

(40) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one;

(41) 4-hydroxytestosterone (4,17[beta]-dihydroxy-androst-4-en-3-one);

(42) 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxy-estr-4-en-3-one);

(43) Mesterolone (1[alpha]methyl-17[beta]-hydroxy-[5[alpha]]-androstan-3-one);

(44) Methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-dien-3-one);

(45) Methandriol (17[alpha]-methyl-3[beta], 17[beta]-dihydroxyandrost-5-ene);

(46) Methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);

(47) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxy-5a-androstane;

(48) 17[alpha]-methyl-3[alpha], 17[beta]-dihydroxy-5a-androstane;

(49) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxyandrost-4-ene;

(50) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one);

(51) Methyldienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4, 9(10)-dien-3-one);

(52) Methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4, 9-11-trien-3-one);

(53) 17[alpha]-methyl-[Delta] 1-dihydrotestosterone (17b [beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one) (a.k.a. '17-[alpha]-methyl-1-testosterone');

(54) 19-nor-4-androstenediol (3[beta], 17[beta]-dihydroxyestr-4-ene);

(55) 19-nor-4-androstenediol (3[alpha], 17[beta]-dihydroxyestr-4-ene);

(56) 19-nor-5-androstenediol (3[beta], 17[beta]-dihydroxyestr-5-ene);

(57) 19-nor-5-androstenediol (3[alpha], 17[beta]-dihydroxyestr-5-ene);

(58) 19-nor-4-androstenedione (estr-4-en-3, 17-dione);

(59) 19-nor-5-androstenedione (estr-5-en-3, 17-dione);

(60) Norbolethone (13[beta], 17[alpha]-diethyl-17[beta]-hydroxygon-4-en-3-one);

(61) Norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one);

(62) Normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one);

(63) Stenbolone (17[beta]-hydroxy-2-methyl-[5[alpha]]-androst-1-en-3-one);

(64) Tetrahydrogestrinone (13[beta], 17[alpha]-diethyl-17[beta]-hydroxygon-4, 9, 11-trien-3-one);

(65) Desoxymethyltestosterone (17a-methyl-5a-androst-2-en-17-ol, madol);

(66) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);

(67) Boldione (Androsta-1,4-diene-3,17-dione); [~~and~~]

(68) Methasterone (2 alpha-17 alpha-dimethyl-5 alpha-androstan-17beta-ol-3-one);

(69) Prostanozol (17 beta-hydroxy-5 alpha-androstano[3,2-c]pryazole; and

[~~(68)~~] (70) Any salt, ester, or isomer of a drug or substance described or listed in this subsection, if that salt, ester, or isomer promotes muscle growth, except the term "anabolic steroid" does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and that has been approved by the Secretary of Health and Human Services for nonhuman administration. If any person prescribes, dispenses, or distributes an anabolic steroid intended for administration to nonhuman species for human use, the person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph."

SECTION 4. Section 329-75, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

"(h) Any person who violates [~~subsections (b) through~~] subsection (g) is guilty of a class C felony."

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY: _____

BY REQUEST

JAN 22 2013

APPROVED this 23 day of APR , 2013

GOVERNOR OF THE STATE OF HAWAII