

JAN 24 2013

S.B. NO. 1175

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# A BILL FOR AN ACT

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

**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 subsections (f) and (g) to read as follows:

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

8           (1) Aminorex;

9           (2) Cathinone;

10          (3) Fenethylline;

11          (4) Methcathinone;

12          (5) N-ethylamphetamine;

13          (6) 4-methylaminorex;

14          (7) N,N-dimethylamphetamine; and

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

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

- 4 (A) By substitution in the ring system to any extent  
5 with alkyl, alkylenedioxy, alkoxy, haloalkyl,  
6 hydroxyl, or halide substituents, whether or not  
7 further substituted in the ring system by one or  
8 more other univalent substituents;
- 9 (B) By substitution at the 3-position with an acyclic  
10 alkyl substituent; or
- 11 (C) By substitution at the 2-amino nitrogen atom with  
12 alkyl, dialkyl, benzyl, or methoxybenzyl groups,  
13 or by inclusion of the 2-amino nitrogen atom in a  
14 cyclic structure.

15 Some other trade names: Mephedrone (2-methylamino-1-  
16 p-tolylpropan-1-one), also known as 4-  
17 methylmethcathinone (4-MMC), methylephedrone or MMCAT;  
18 Methylenedioxypropylvalerone (MDPV, MDPK); and methylone  
19 or [~~3,4-methylenedioxypropylvalerone.~~] 3,4-  
20 methylenedioxymethcathinone.

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

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

- 3 (1) Tetrahydrocannabinols; meaning tetrahydrocannabinols  
4 naturally contained in a plant of the genus Cannabis  
5 (cannabis plant), as well as synthetic equivalents of  
6 the substances contained in the plant, or in the  
7 resinous extractives of Cannabis, sp. or synthetic  
8 substances, derivatives, and their isomers with  
9 similar chemical structure and pharmacological  
10 activity to those substances contained in the plant,  
11 such as the following: Delta 1 cis or trans  
12 tetrahydrocannabinol, and their optical isomers; Delta  
13 6 cis or trans tetrahydrocannabinol, and their optical  
14 isomers; and Delta 3,4 cis or trans-  
15 tetrahydrocannabinol, and its optical isomers (since  
16 nomenclature of these substances is not  
17 internationally standardized, compounds of these  
18 structures, regardless of numerical designation of  
19 atomic positions, are covered);
- 20 (2) Naphthoylindoles; meaning any compound containing a 3-  
21 (1-naphthoyl) indole structure with substitution at  
22 the nitrogen atom of the indole ring by a alkyl,

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

6 (3) Naphthylmethylindoles; meaning any compound containing  
7 a 1H-indol-3-yl-(1-naphthyl) methane structure with  
8 substitution at the nitrogen atom of the indole ring  
9 by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
10 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or  
11 2-(4-morpholinyl) ethyl group whether or not further  
12 substituted in the indole ring to any extent and  
13 whether or not substituted in the naphthyl ring to any  
14 extent;

15 (4) Naphthoylpyrroles; meaning any compound containing a  
16 3-(1-naphthoyl) pyrrole structure with substitution at  
17 the nitrogen atom of the pyrrole ring by a alkyl,  
18 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
19 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)  
20 ethyl group whether or not further substituted in the  
21 pyrrole ring to any extent, whether or not substituted  
22 in the naphthyl ring to any extent;

- 1           (5) Naphthylmethylindenes; meaning any compound containing  
2           a naphthylideneindene structure with substitution at  
3           the 3-position of the indene ring by a alkyl,  
4           haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
5           1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)  
6           ethyl group whether or not further substituted in the  
7           indene ring to any extent, whether or not substituted  
8           in the naphthyl ring to any extent;
- 9           (6) Phenylacetylindoles; meaning any compound containing a  
10          3-phenylacetylindole structure with substitution at  
11          the nitrogen atom of the indole ring by a alkyl,  
12          haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
13          1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)  
14          ethyl group whether or not further substituted in the  
15          indole ring to any extent, whether or not substituted  
16          in the phenyl ring to any extent;
- 17          (7) Cyclohexylphenols; meaning any compound containing a  
18          2-(3-hydroxycyclohexyl) phenol structure with  
19          substitution at the 5-position of the phenolic ring by  
20          a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
21          cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or

- 1 2-(4-morpholinyl) ethyl group whether or not  
2 substituted in the cyclohexyl ring to any extent;
- 3 (8) Benzoylindoles; meaning any compound containing a 3-  
4 (benzoyl) indole structure with substitution at the  
5 nitrogen atom of the indole ring by a alkyl,  
6 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
7 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)  
8 ethyl group whether or not further substituted in the  
9 indole ring to any extent and whether or not  
10 substituted in the phenyl ring to any extent;
- 11 (9) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)  
12 pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-  
13 naphthalenylmethanone (another trade name is WIN  
14 55,212-2); [~~and~~]
- 15 (10) (6a,10a)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-  
16 methyloctan-2-yl)-6a,7,10,10a-  
17 tetrahydrobenzo[c]chromen-1-ol (other trade names are:  
18 HU-210 and HU-211) [~~-~~]; and
- 19 (11) Tetramethylcyclopropanoylindoles; meaning any compound  
20 containing a 3-tetramethylcyclopropanoylindole  
21 structure with substitution at the nitrogen atom of the  
22 indole ring by an alkyl, haloalkyl, cyanoalkyl,

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

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

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

13           (1) Immediate precursor to amphetamine and  
14 methamphetamine:

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

17           (2) Immediate precursors to phencyclidine (PCP):

18           (A) 1-phenylcyclohexylamine; and

19           (B) 1-piperidinocyclohexanecarbonitrile (PCC); or

20           (3) Immediate precursor to Fentanyl:

21           (A) [~~4-anilino-N-phenethyl-4-piperidine (ANPP).~~]

22           4-anilino-N-phenethyl-4-piperidine (ANPP)."

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

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

- 8 (1) Boldenone;
- 9 (2) Clostebol (4-Chlorotestosterone);
- 10 (3) Dehydrochlormethyltestosterone;
- 11 (4) Dihydrotestosterone (4-dihydrotestosterone);
- 12 (5) Drostanolone;
- 13 (6) Ethylestrenol;
- 14 (7) Fluoxymesterone;
- 15 (8) Formebolone (Formyldienolone);
- 16 (9) Mesterolone;
- 17 (10) Methandranone;
- 18 (11) Methandriol;
- 19 (12) Methandrostenolone (Methandienone);
- 20 (13) Methenolone;
- 21 (14) Methyltestosterone;
- 22 (15) Mibolerone;



- 1 (16) Nandrolone;
- 2 (17) Norethandrolone;
- 3 (18) Oxandrolone;
- 4 (19) Oxymesterone;
- 5 (20) Oxymetholone;
- 6 (21) Stanolone (Dihydrotestosterone);
- 7 (22) Stanozolol;
- 8 (23) Testolactone;
- 9 (24) Testosterone;
- 10 (25) Trenbolone;
- 11 (26) 3[beta], 17-dihydroxy-5a-androstane;
- 12 (27) 3[alpha], 17[beta]-dihydroxy-5a-androstane;
- 13 (28) 5[alpha]-androstane-3, 17-dione;
- 14 (29) 1-androstenediol (3[beta], 17[beta]-dihydroxy-  
15 5[alpha]-androst-1-ene);
- 16 (30) 1-androstenediol (3[alpha], 17[beta]-dihydroxy-  
17 5[alpha]-androst-1-ene);
- 18 (31) 4-androstenediol (3[beta], 17[beta]-dihydroxy-androst-  
19 4-ene);
- 20 (32) 5-androstenediol (3[beta], 17[beta]-dihydroxy-androst-  
21 5-ene);

- 1 (33) 1-androstenedione ([5[alpha]]-androst-1-en-3,  
2 17-dione);
- 3 (34) 4-androstenedione (androst-4-en-3, 17-dione);
- 4 (35) 5-androstenedione (androst-5-en-3, 17-dione);
- 5 (36) Bolasterone (7[alpha], 17[alpha]-dimethyl-17[beta]-  
6 hydroxyandrost-4-en-3-one);
- 7 (37) Calusterone (7[beta], 17[alpha]-dimethyl-17[beta]-  
8 hydroxyandrost-4-en-3-one);
- 9 (38) [Delta]1-dihydrotestosterone (a.k.a. '1-testosterone')  
10 (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
- 11 (39) Furazabol (17[alpha]-methyl-17[beta]-  
12 hydroxyandrostan[2,3-c]-furan);
- 13 (40) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one;
- 14 (41) 4-hydroxytestosterone (4,17[beta]-dihydroxy-androst-  
15 4-en-3-one);
- 16 (42) 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxy-  
17 estr-4-en-3-one);
- 18 (43) Mesterolone (1[alpha]methyl-17[beta]-hydroxy-  
19 [5[alpha]]-androstan-3-one);
- 20 (44) Methandienone (17[alpha]-methyl-17[beta]-  
21 hydroxyandrost-1,4-dien-3-one);

- 1 (45) Methandriol (17[alpha]-methyl-3[beta], 17[beta]-  
2 dihydroxyandrost-5-ene);
- 3 (46) Methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-  
4 androst-1-en-3-one);
- 5 (47) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxy-  
6 5a-androstane;
- 7 (48) 17[alpha]-methyl-3[alpha], 17[beta]-dihydroxy-  
8 5a-androstane;
- 9 (49) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxyandrost-  
10 4-ene;
- 11 (50) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-  
12 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one);
- 13 (51) Methyldienolone (17[alpha]-methyl-17[beta]-  
14 hydroxyestra-4, 9(10)-dien-3-one);
- 15 (52) Methyltrienolone (17[alpha]-methyl-17[beta]-  
16 hydroxyestra-4, 9-11-trien-3-one);
- 17 (53) 17[alpha]-methyl-[Delta] 1-dihydrotestosterone (17b  
18 [beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-  
19 3-one) (a.k.a. '17-[alpha]-methyl-1-testosterone');
- 20 (54) 19-nor-4-androstenediol (3[beta], 17[beta]-  
21 dihydroxyestr-4-ene);

- 1 (55) 19-nor-4-androstenediol (3[alpha], 17[beta]-  
2 dihydroxyestr-4-ene);
- 3 (56) 19-nor-5-androstenediol (3[beta], 17[beta]-  
4 dihydroxyestr-5-ene);
- 5 (57) 19-nor-5-androstenediol (3[alpha], 17[beta]-  
6 dihydroxyestr-5-ene);
- 7 (58) 19-nor-4-androstenedione (estr-4-en-3, 17-dione);
- 8 (59) 19-nor-5-androstenedione (estr-5-en-3, 17-dione);
- 9 (60) Norbolethone (13[beta], 17[alpha]-diethyl-17[beta]-  
10 hydroxygon-4-en-3-one);
- 11 (61) Norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-  
12 3-one);
- 13 (62) Normethandrolone (17[alpha]-methyl-17[beta]-  
14 hydroxyestr-4-en-3-one);
- 15 (63) Stenbolone (17[beta]-hydroxy-2-methyl-[5[alpha]]-  
16 androst-1-en-3-one);
- 17 (64) Tetrahydrogestrinone (13[beta], 17[alpha]-diethyl-  
18 17[beta]-hydroxygon-4, 9, 11-trien-3-one);
- 19 (65) Desoxymethyltestosterone (17a-methyl-5a-androst-2-en-  
20 17-ol, madol);
- 21 (66) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-  
22 diene-3,17-dione);

1 (67) Boldione (Androsta-1,4-diene-3,17-dione); [and]  
2 (68) Methasterone (2 alpha-17 alpha-dimethyl-5 alpha-  
3 androstan-17beta-ol-3-one);  
4 (69) Prostanazol (17 beta-hydroxy-5 alpha-androstano[3,2-  
5 c]pyrazole; and  
6 [+68+] (70) Any salt, ester, or isomer of a drug or  
7 substance described or listed in this subsection, if  
8 that salt, ester, or isomer promotes muscle growth,  
9 except the term "anabolic steroid" does not include an  
10 anabolic steroid that is expressly intended for  
11 administration through implants to cattle or other  
12 nonhuman species and that has been approved by the  
13 Secretary of Health and Human Services for nonhuman  
14 administration. If any person prescribes, dispenses,  
15 or distributes an anabolic steroid intended for  
16 administration to nonhuman species for human use, the  
17 person shall be considered to have prescribed,  
18 dispensed, or distributed an anabolic steroid within  
19 the meaning of this paragraph."

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



# S.B. NO. 1175

**Report Title:**

Uniform Controlled Substances Act

**Description:**

Updates chapter 329, Hawaii Revised Statutes, to make it consistent with amendments in federal law on controlled substances; amends section 329-14 to add new controlled substances emergency scheduled by the State under section 329-11; and amends section 329-75(h) to limit the penalty to violations of section 329-75(g) relating to pseudoephedrine.

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

JUSTIFICATION SHEET

**SB. NO. 1175**

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

PURPOSE: Update chapter 329, Hawaii Revised Statutes (HRS), by adding new controlled substances that were emergency scheduled or added to comply with changes to the federal Controlled Substance Act designated under section 329-11; amend section 329-75(h) to limit the penalty to violations of subsection (g).

MEANS: Amend sections 329-14(f) and (g), 329-16(f), 329-18(g), and 329-75(h), HRS.

JUSTIFICATION: Proposed amendments to chapter 329, HRS, will accomplish the following:

- (1) Update Hawaii's Uniform Controlled Substances Act, chapter 329, HRS, with changes made to the Federal Controlled Substance Act, 77 Federal Register 12201, by adding the anabolic steroids methasterone (2 alpha-17 alpha-dimethyl-5 alpha-androstan-17beta-ol-3-one) and prostanazol (17 beta-hydroxy-5 alpha-androstano[3,2-c]pyrazole) to Schedule III as required by section 329-11(d), HRS.
- (2) Update Hawaii's Uniform Controlled Substances Act, section 329-14(g) HRS, by adding Tetramethylcyclopropanoylindoles to the list of synthetic cannabinoid class Schedule I hallucinogenic substances. This is necessary to address this new class of synthetic cannabinoid here in Hawaii. The bill uses a general chemical class approach intended to prevent manufacturers from simply transitioning from scheduled compounds to uncontrolled compounds.
- (3) Amend Hawaii's Uniform Controlled Substances Act, chapter 329, HRS, by correcting a spelling error of the drug



methydone is "3,4-methylenedioxy-methcathinone" in section 329-14(f), HRS.

- (4) Amend Hawaii's Uniform Controlled Substances Act, chapter 329, HRS, by correcting a spelling error of the drug "4-anilino-n-phenethyl-4-piperidine (ANPP)" in section 329-16(f)(3), HRS.
- (5) Amend section 329-75(h), HRS, by limiting the penalty section in 329-75(h) to only section 329-75(g), HRS.

Impact on the public: This bill is intended to protect the public by updating Hawaii's controlled substance schedules, and by allowing the Department to identify and track the abuse of certain new non-controlled substances.

Impact on the department and other agencies: These proposed amendments would assist the Department's Narcotics Enforcement Division in clarifying regulations of the Uniform Controlled Substances Act as well as provide the Division with an early warning tool for the abuse of specific drugs of concern.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: PSD 502.

OTHER AFFECTED AGENCIES: Department of Health Food and Drug Branch, Federal State and County law enforcement.

EFFECTIVE DATE: Upon approval.