

S.B. NO. 1180

JAN 24 2013

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A BILL FOR AN ACT

RELATING TO EMERGENCY SCHEDULING OF CONTROLLED SUBSTANCES.

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

1 SECTION 1. Section 329-11, Hawaii Revised Statutes, is  
2 amended by amending subsection (e) to read as follows:

3 "(e) The administrator may make an emergency scheduling by  
4 placing a substance into schedule I, II, III, IV, or V on a  
5 temporary basis, if the administrator determines the action is  
6 necessary to address or avoid a current or imminent danger to  
7 the health and safety of the public. In making a determination  
8 regarding if a substance should be emergency scheduled, the  
9 administrator shall assess the degree of danger or probable  
10 danger of the substance by considering the following:

11 (1) The actual or possible abuse of the substance  
12 including:

13 (A) Its history and current pattern of abuse;

14 (B) The scope, duration, and significance of abuse;

15 and

16 (C) A judgment of the degree of actual or possible  
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1                    detriment that may result from the abuse of the  
2                    substance; and

3                    (2) The risk to public health.

4                    The department shall post a public notice thirty days prior to  
5                    the effective date of the emergency scheduling action, at the  
6                    state capitol, in the office of the lieutenant governor, and on  
7                    the department's website for public inspection. If a substance  
8 is added or rescheduled under this subsection, the control shall  
9 be temporary and, if the next regular session of the state  
10 legislature has not enacted the corresponding changes in this  
11 chapter, the temporary designation of the added or rescheduled  
12 substance shall be nullified."

13                    SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY: 

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BY REQUEST

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**Report Title:**

Emergency Scheduling of Controlled Substances

**Description:**

Requires the Department of Public Safety to post a public notice thirty days prior to the effective date of the emergency scheduling action, at the State Capitol, in the Office of the Lieutenant Governor, and on the department's website for public inspection.

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

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## JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: RELATING TO EMERGENCY SCHEDULING OF CONTROLLED SUBSTANCES.

PURPOSE: Update section 329-11(e), Hawaii Revised Statutes (HRS), by providing that the Department of Public Safety post a public notice 30 days prior to the enactment date of the emergency scheduling action, at the State Capitol, in the Office of the Lieutenant Governor, and on the department's website for public inspection.

MEANS: Amend section 329-11(e), HRS.

JUSTIFICATION: Proposed amendments to section 329-11(e), HRS, will add a period of public notice before the emergency scheduling of a controlled substance goes into effect, and will clarify what notice is required, and where the notice would be posted.

Impact on the public: This bill is intended to better inform the public that the Department of Public Safety is taking emergency scheduling action, before it becomes effective.

Impact on the department and other agencies: These proposed amendments would require a notice period before a substance can be considered a controlled substance after following the emergency scheduling process.

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.