



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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No. _____

TESTIMONY ON HOUSE BILL (HB) 2332 HOUSE DRAFT (HD) 1
A BILL RELATING TO
UNIFORM CONTROLLED SUBSTANCES ACT
by
Ted Sakai, Director
Department of Public Safety

House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Sharon E. Har, Vice Chair

Tuesday, February 25, 2014 2:00 p.m.
State Capitol, Conference Room 325

Chair Rhoads, Vice Chair Har, and Members of the Committee:

The Department of Public Safety (PSD) **supports** HB2332 HD1 which updates Hawaii's Uniform Controlled Substance Act, Chapter 329, Hawaii Revised Statutes, to be consistent with changes in Federal law, as required by Section 329-11, HRS. This is an Administration bill, which seeks to codify in the Hawaii Revised Statutes recent changes in the federal law, so that our law can be consistent with federal law. We do note that we are requesting a further amendment to this bill, to keep pace with the rapidly changing landscape of synthetic drugs.

In recent years, we have had a growing problem with synthetic substances, including hallucinogens and cannabinoids, being developed for sale to the public as "herbal incense, bath salts, plant food or legal highs" in the State and around the country. The Federal Drug Enforcement Administration (DEA), is attempting to protect the public from these ever-increasing number of synthetic hallucinogenic substances labeled as "not for human consumption," but sold in retail shops with the promise of powerful hallucinogenic legal highs, by making it illegal to possess or sell by placing them in Schedule I.

The State of Hawaii has likewise responded. Act 29, SLH 2012 amended Chapter 329, Hawaii Revised Statutes by creating a new subsection to include synthetic cannabinoids (such as K2, Spice, etc.) and substituted cathinones ("bath salts") as schedule I controlled substances. Chapter 329 was further updated by Act 48, SLH 2013.

Subsequent Federal Government Actions and Amendments include in HB2332, HD1:

- On July 9, 2012, Food and Drug Administration Safety and Innovation Act were signed. This Act included the Synthetic Drug Abuse Prevention Act of 2012 that placed the following substances: 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E), 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D), 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C), 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I), 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2), 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4), 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H), 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N), 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P) into the list of Schedule I hallucinogenic substances.

This bill would include these synthetic hallucinogens in 329-14 (d). The specific amendment is on lines 43 through 51 on pages 4 and 5 of this bill.

- On May 16, 2013, the DEA issued a final order to place N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers. (Other names: APINACA, AKB48) this dangerous new hallucinogenic substance into schedule I, 78 FR 28735, Schedule I, 5/16/2013.

This bill would list these substances among cannabinoids in subsection (g) of HRS 329-14. The specific amendment is at lines 3 through 5 on page 10 of this bill.

- On June 7, 2013, the DEA issued a final order to place the new drug LORCASERIN into Schedule IV. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of such isomers, whenever the existence of such salts,

isomers, and salts of isomers is possible: Lorcaserin 78FR 26701, Schedule IV, 6/7/2013.

This bill would amend 329-20 (d) to include this substance among stimulants. The specific amendment is at line 3 on page 13 of this bill.

- On November 15, 2013, the DEA issued a final order to schedule 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5), 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82), and 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36) as synthetic phenethylamines. This action is based on a finding by the DEA Deputy Administrator that the placement of these synthetic phenethylamines and their optical, positional, and geometric isomers, salts and salts of isomers in schedule I of the Federal Controlled Substances Act (CSA) is necessary to avoid an imminent hazard to the public safety.

This bill would include these synthetic hallucinogens in 329-14 (d). The specific amendment is on lines 2 through 13 on page 5 of this bill.

- On December 2, 2013, the DEA issued a final order to place the substance perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-dihydropyridin-3-yl) benzonitrile], including its salts, isomers, and salts of isomers, into schedule III of the CSA effective January 2, 2014.

This bill would include this substance among depressants in 329-18 (c). The specific amendment is at lines 20 through 22 on page 11 of this bill.

Further Amendment Requested: The Department was also given notice by the Federal government on February 10, 2014, of another Federal scheduling action that is not contained in HB2332 HD1.

On February 10, 2014, the Drug Enforcement Administration (DEA) issued a final order to emergency schedule Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: PB-22; QUPIC), Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 5-fluoro-PB-22; 5F-PB-22), N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: AB-FUBINACA), and N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: ADB-PINACA) into schedule I of the CSA effective February 10, 2014. This action is based on a finding that the placement of these synthetic cannabinoids and their optical, positional, and geometric isomers, salts and salts of isomers into schedule I of the CSA is necessary to avoid an imminent hazard to the public safety.

The Department would like to request that HB2332 HD1, be amended to add the following schedule I controlled substances into section 329-14(g): (13) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: PB-22; QUPIC); (14) Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 5-fluoro-PB-22; 5F-PB-22); (15) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: AB-FUBINACA); and (16) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: ADB-PINACA) into schedule I. These new drugs were emergency scheduled by the Federal Government on February 10, 2014, and therefore not included in the original HB2332.

We note that the Department has the authority, under HRS 329-11 (d) to temporarily designate a substance added, deleted or redesignated to the schedule of controlled substance, to match changes in the federal law. However, legislative action is required for permanent designation. Accordingly, the Department issued notices of

such temporary designations on September 20, 2013, November 15, 2013, December 10, 2013, and February 12, 2014, We are now recommending that these changes be included in HRS 329.

Thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE **JI-TA**

February 25, 2014

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: House Bill No. 2332, H.D. 1, Relating to the Uniform Controlled Substances Act

I am Jerry Inouye, Major of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 2332, H.D. 1, Relating to the Uniform Controlled Substances Act.

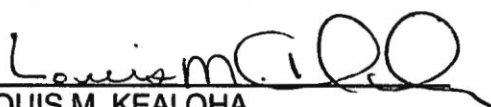
The legislation would add new controlled substances that were emergency scheduled or added to comply with changes to the federal Controlled Substances Act designated under the Hawaii Revised Statutes, Chapter 329, Part II, Section 329-11.

The Honolulu Police Department urges you to support House Bill No. 2332, H.D. 1, Relating to the Uniform Controlled Substances Act.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


LOUIS M. KEALOHA
Chief of Police


JERRY INOUE, Major
Narcotics/Vice Division

TESTIMONY ON HOUSE BILL (HB) 2332 HD1
A BILL RELATING TO
UNIFORM CONTROLLED SUBSTANCES ACT

Keith Kamita

House Committee on Judiciary
Representative Karl Rhoads,
Representative Sharon Har, Vice Chair

Tuesday, February 25, 2014, 2 PM
State Capitol, Conference Room 325

Chair Rhoads, Vice Chair Har and Members of the Committee:

Today I am testifying as a private citizen; however I have 27 years of experience in the regulation and enforcement of controlled substance laws in the State of Hawaii. **I support passage of House Bill 2332 HD1 with the amendments being proposed by the Department of Public Safety.** This bill is necessary to protect the people of Hawaii from these dangerous new synthetic drugs being sold in our State and endangering our youth.

HB2332 HD1 which updates Hawaii's Uniform Controlled Substance Act, Chapter 329, Hawaii Revised Statutes, to be consistent with changes in Federal law, as required by Section 329-11, HRS. This bill seeks to codify in the Hawaii Revised Statutes recent changes in the federal law, so that our law can be consistent with federal law. Due to the growing problem of synthetic hallucinogenic substances being developed for sale to the public as "herbal incense, bath salts, plant food or legal highs" in the State and around the county, the Department of Public Safety's Narcotics Enforcement Division, as well as the Federal Drug Enforcement Administration (DEA), has attempted to protect the public from these ever-increasing number of synthetic hallucinogenic substances labeled as "not for human consumption," but sold in retail shops with the promise of powerful hallucinogenic legal highs, by making them illegal to possess or sell by placing them in Schedule I.

On April 19, 2012, Governor Neil Abercrombie signed into law Act 29 / House Bill 2600 HD2 that amended Chapter 329, Hawaii Revised Statutes relating to controlled

substances. Act 29 created a new subsection to address synthetic cannabinoids (such as K2, Spice, etc.) and substituted cathinones (“bath salts”) as schedule I controlled substances.

On July 9, 2012, President Obama signed the Food and Drug Administration Safety and Innovation Act. At the end of this bill was the Synthetic Drug Abuse Prevention Act of 2012 that placed the following substances: 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E), 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D), 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C), 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I), 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2), 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4), 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H), 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N), 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P) into the list of Schedule I hallucinogenic substances.

On May 16, 2013, the Deputy Administrator of the DEA issued this final order to place N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers. (Other names: APINACA, AKB48) this dangerous new hallucinogenic substance into schedule I, 78 FR 28735, Schedule I, 5/16/2013.

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On November 15, 2013, Deputy Administrator of the DEA issued this final order to schedule 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5), 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82), and 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 25B-NBOMe; 2C-B-

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On December 2, 2013, the Deputy Administrator of the DEA issued this final order to place the substance perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-dihydropyridin-3-yl) benzonitrile], including its salts, isomers, and salts of isomers, into schedule III of the CSA effective January 2, 2014.

On September 20, 2013, November 15, 2013 and December 10, 2013, the Department of Public Safety gave notice in accordance with provisions set forth in Section 329-11(d) of the Hawaii Revised Statutes, which says if a substance is added, deleted or rescheduled under Federal law and notice of the designation is given to the Department, then the Department shall recommend to the legislature that a corresponding change in the Hawaii laws be made.

The Department of Public Safety was given notice by the Federal government on February 10, 2014, of another Federal scheduling action that was not contained in SB2882 SD1.

On February 10, 2014, the Deputy Administrator of the Drug Enforcement Administration (DEA) issued this final order to emergency schedule Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: PB-22; QUPIC), Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 5-fluoro-PB-22; 5F-PB-22), N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: AB-FUBINACA), and N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: ADB-PINACA) into schedule I of the CSA effective February 10, 2014. This action is based on a finding by the Deputy Administrator that the placement of these synthetic cannabinoids and their optical, positional, and geometric isomers, salts and salts of

isomers into schedule I of the CSA is necessary to avoid an imminent hazard to the public safety.

The Department of Public Safety's Narcotics Enforcement Division (NED), on February 12, 2014, gave notice in accordance with provisions set forth in Section 329-11(d) of the Hawaii Revised Statutes and also placed Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: PB-22; QUPIC), Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 5-fluoro-PB-22; 5F-PB-22), N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: AB-FUBINACA), and N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: ADB-PINACA) into schedule I Section 329-14(g), HRS to be effective March 10, 2014.

I support the Department of Public Safety's requested amendment to SB2882 SD1, on page 10, line 6 to add the following schedule I controlled substances into section 329-14(g): (13) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: PB-22; QUPIC); (14) Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 5-fluoro-PB-22; 5F-PB-22); (15) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: AB-FUBINACA); and (16) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: ADB-PINACA) into schedule I. According to the Department of Public Safety these new drugs were emergency scheduled by the Federal Government on February 10, 2014, and therefore were not included in the original HB2332.

Thank you for the opportunity to testify on this important Bill.