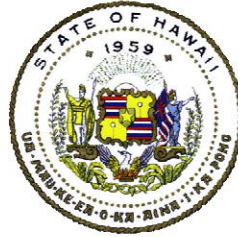


NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

919 Ala Moana Blvd. 4th Floor
Honolulu, Hawaii 96813

TED SAKAI
DIRECTOR

Martha Torney
Deputy Director
Administration

Max Otani
Deputy Director
Corrections

Keith Kamita
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL (HB) 944
A BILL FOR AN ACT RELATING TO
UNIFORM CONTROLLED SUBSTANCE ACT

By

Ted Sakai, Director
Department of Public Safety

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

Thursday, February 28, 2013, 2:00 p.m.
State Capitol, Room 325

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

The Department of Public Safety (PSD) **supports** HB 944 which updates Hawaii's Uniform Controlled Substance Act Chapter 329, Hawaii Revised Statutes (HRS) to be consistent with changes in Federal law as required by Section 329-11, HRS, as well as correct errors in spelling of the drugs methydone "3,4-methylenedioxymethcathinone" in section 329-14(f), HRS and "4-anilino-n-phenethyl-4-piperidine (ANPP)" in section 329-16(f)(3), HRS.

Due to the growing problem of synthetic hallucinogenic substances being developed for sale to the public as "herbal incense" or "bath salts" in the State and around the county, PSD's Narcotics Enforcement Division (NED) as well as the Federal Drug Enforcement Administration (DEA) has attempted to protect the public by placing in schedule the ever-increasing number of synthetic cannabinoids and cathinones labeled as "not for human consumption" but sold in retail shops with the promise of powerful hallucinogenic legal highs.

On February 29, 2012, the DEA scheduled five chemicals (JWH-018, JWH-073, JWH-200, CP-47,497, and CP-47,497 C8 Homologue) used to make

“fake pot” products. Except as authorized by law, this action made possessing and selling these chemicals or the products that contain them illegal in the U.S.

On April 19, 2012, Governor Neil Abercrombie signed into law Act 29 / HB 2600, HD2 that amended Chapter 329 HRS relating to controlled substances. Act 29 created a new subsection to address synthetic cannabanoids (such as K2, Spice, etc.) and substituted cathinones (“bath salts”) as Schedule I controlled substances. However, in June of 2012, State and County law enforcement started discovering a new synthetic cannabinoids being sold throughout the State identified as (UR-144 a Tetramethylcyclopropanoylindole) trade names such as “Sexy Zombie, Hysteria Black, Black Sabbath” and marked “not for human consumption.” Tetramethylcyclopropanoylindole is classified as a synthetic cannabinoid and should also be added to Section 329-14 HRS.

On October 7, 2012, in accordance with provisions set forth in Section 329-11(e) of the HRS, Emergency Scheduling Authority the Administrator of the NED, the synthetic cannabinoid family Tetramethylcyclopropanoylindoles was emergency scheduled as a Schedule I controlled substance listed under Section 329-14 (g) HRS.

HB 944 updates Update Hawaii’s Uniform Controlled Substances Act, Chapter 329, HRS, due to changes made to the Federal Controlled Substance Act, 77 Federal Register 12201, by adding two new 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]pryazole) to Schedule III as required by section 329-11(d), HRS.

HB 944 also amends section 329-75(h), relating to penalties for **sales of products, mixtures, or preparations containing pseudoephedrine; reporting requirement for wholesalers to** only section 329-75(g) that states that no person shall knowingly purchase, receive, or otherwise acquire products containing more than 3.6 grams per day or more than nine grams per thirty-day period of pseudoephedrine, except that this limit shall not apply to any quantity of such product, mixture, or preparation dispensed pursuant to a valid prescription

as originally intended by this statute. Presently, the law indicates it's a Class C Felony if you violate sections 329-75 subsections b through g. Subsections b through f cover administrative program requirements and does not address criminal conduct.

Thank you for the opportunity to testify on this matter.