



**LATE**

STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL (SB) 2882 SENATE DRAFT (SD) 2  
A BILL RELATING TO  
UNIFORM CONTROLLED SUBSTANCES ACT

By  
Ted Sakai, Director  
Department of Public Safety

House Committee on Consumer Protection and Commerce  
Representative Angus L.K. McKelvey, Chair  
Representative Derek S.K. Kawakami, Vice Chair

Monday, March 10, 2014, 2:00 p.m.  
State Capitol, Conference Room 325

Chair McKelvey, Vice Chair Kawakami, and Members of the Committee:

The Department of Public Safety (PSD) **supports** SB 2882 SD2 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 cannabanoids, 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 included 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 cannabanoids 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.

- 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.

SB 2882 SD1 includes this substance at 329-14(g).

Further Amendment Requested: The Department was also given notice by the Federal government that on February 27, 2014, the Drug Enforcement Administration (DEA) issued a final rule to place Alfaxalone 5[alpha]-pregnan-3[alpha]-ol-11,20-dione, including its salts, isomers, and salts of isomers, into schedule IV effective March 31, 2014.

The Department, on March 5, 2014, also gave notice in accordance with provisions set forth in Section 329-11(d) of the Hawaii Revised Statutes and also placed Alfaxalone 5[alpha]-pregnan-3[alpha]-ol-11, 20-dione, including its salts, isomers, and salts of isomers, into schedule IV effective March 31, 2014.

Therefore, the Department would like to request an amendment to SB2882 SD2, on page 10, line 6 to add the following schedule IV “depressant” controlled substances Alfaxalone 5[alpha]-pregnan-3[alpha]-ol-11,20-dione, including its salts, isomers, and salts of isomers, into section 329-20(b).

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.

**LATE**

TESTIMONY ON SENATE BILL (SB) 2882 SD2  
A BILL RELATING TO  
UNIFORM CONTROLLED SUBSTANCES ACT

By  
Keith Kamita

House Committee on Consumer Protection and Commerce  
Representative Angus L.K. McKelvey,  
Representative Derek S.K. Kawakami, Vice Chair

Monday, March 10, 2014, 2:00 PM  
State Capitol, Conference Room 325

Chair McKelvey, Vice Chair Kawakami 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 Senate Bill 2882 SD2 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.

SB2882 SD2 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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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.

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The Department of Public Safety's Narcotics Enforcement Division (NED) was given notice by the Federal government on February 27, 2014, of another Federal scheduling action that is not contained in SB2882 SD2.

On February 27, 2014, the Drug Enforcement Administration (DEA) issued a final rule to place Alfaxalone 5[alpha]-pregnan-3[alpha]-ol-11,20-dione, including its salts, isomers, and salts of isomers, into schedule IV effective March 31, 2014.



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March 10, 2014  
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On March 5, 2014, NED gave notice in accordance with provisions set forth in Section 329-11(d) of the Hawaii Revised Statutes and also placed Alfaxalone 5[alpha]-pregnan-3[alpha]-ol-11,20-dione, including its salts, isomers, and salts of isomers, into schedule IV effective March 31, 2014.

I support the Department of Public Safety's requested amendment to SB2882 SD2, on page 10, line 6 by adding the schedule IV "depressant" controlled substances Alfaxalone 5[alpha]-pregnan-3[alpha]-ol-11,20-dione, including its salts, isomers, and salts of isomers, into section 329-20(b) (Attachment 1).

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

ATTACHMENT 1

Section 329-20, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

**§329-20 Schedule IV.** (a) The controlled substances listed in this section are included in schedule IV.

(b) Depressants. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, esters, ethers, and salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, that has a degree of danger or probable danger associated with a depressant effect on the central nervous system:

- (1) Alprazolam;
- (2) Barbitol;
- (3) Bromazepam;
- (4) Butorphanol;
- (5) Camazepam;
- (6) Carisoprodol;
- (7) Chloral betaine;
- (8) Chloral hydrate;
- (9) Chlordiazepoxide;
- (10) Clobazam;
- (11) Clonazepam;
- (12) Clorazepate;
- (13) Clotiazepam;
- (14) Cloxazolam;
- (15) Delorazepam;
- (16) Dichloralphenazone (Midrin);
- (17) Diazepam;
- (18) Estazolam;
- (19) Ethchlorvynol;
- (20) Ethinamate;
- (21) Ethyl loflazepate;
- (22) Fludiazepam;
- (23) Flunitrazepam;
- (24) Flurazepam;
- (25) Fospropofol (Lusedra);
- (26) Halazepam;
- (27) Haloxazolam;
- (28) Ketazolam;
- (29) Loprazolam;
- (30) Lorazepam;
- (31) Lormetazepam;
- (32) Mebutamate;
- (33) Medazepam;
- (34) Meprobamate;
- (35) Methohexital;
- (36) Methylphenobarbital (mephobarbital);

- (37) Midazolam;
- (38) Nimetazepam;
- (39) Nitrazepam;
- (40) Nordiazepam;
- (41) Oxazepam;
- (42) Oxazolam;
- (43) Paraldehyde;
- (44) Petrichloral;
- (45) Phenobarbital;
- (46) Pinazepam;
- (47) Prazepam;
- (48) Quazepam;
- (49) Temazepam;
- (50) Tetrazepam;
- (51) Triazolam;
- (52) Zaleplon;
- (53) Zolpidem; [~~and~~]
- (54) Zopiclone (Lunesta)[~~.]~~ ; and
- (55) Alfaxalone 5[alpha]-pregnan-3[alpha]-ol-11,20-dione.

**LATE**

**POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU**

**LATE**

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KIRK CALDWELL  
MAYOR



LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. MCCAULEY  
DEPUTY CHIEFS

OUR REFERENCE JI-TA

March 10, 2014

The Honorable Angus L. K. McKelvey, Chair  
and Members  
Committee on Consumer Protection  
and Commerce  
State House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair McKelvey and Members:

**SUBJECT: Senate Bill No. 2882, S.D. 2, 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 Senate Bill No. 2882, S.D. 2, Relating to the Uniform Controlled Substances Act.

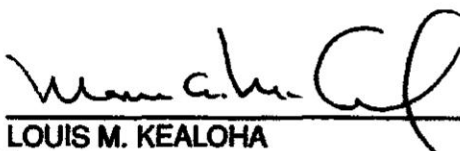
The legislation would add new controlled substances that were emergency scheduled or added to comply with changes to the federal Controlled Substances Act designated under the Hawaii Revised Statutes, Chapter 329, Part II, Section 329-11.

The Honolulu Police Department urges you to support Senate Bill No. 2882, S.D. 2, Relating to the Uniform Controlled Substances Act.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

  
LOUIS M. KEALOHA

  
JERRY INOUE, Major  
Narcotics/Vice Division

Chief of Police