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## A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1           SECTION 1. The legislature finds that inconsistencies  
2 between state and federal scheduling of controlled substances  
3 are interfering with the State's ability to create a regulated  
4 medical marijuana program that complies with federal law. The  
5 purpose of this Act is to:

6           (1) Harmonize the scheduling criteria of Hawaii's Uniform  
7 Controlled Substances Act with the scheduling criteria  
8 of the federal Controlled Substances Act; and

9           (2) Place marijuana and marijuana extract within schedule  
10           II.

11           SECTION 2. Section 329-1, Hawaii Revised Statutes, is  
12 amended by adding a new definition to be appropriately inserted  
13 and to read as follows:

14           "Marijuana extract" means extracts that have been derived  
15 from any plant of the genus cannabis and that contain  
16 cannabinols and cannabidiols."

17           SECTION 3. Section 329-13, Hawaii Revised Statutes, is  
18 amended to read as follows:



1           "~~§~~329-13~~§~~ **Schedule I tests.** A substance shall be  
2 placed in schedule I if it has the highest degree of danger or  
3 probable danger according to the determination made pursuant to  
4 section 329-11~~[-]~~, and if:

- 5           (1) The substance has a high potential for abuse;
- 6           (2) The substance has no currently accepted medical use in  
7           treatment in the United States; and
- 8           (3) The substance lacks accepted safety use under medical  
9           supervision."

10           SECTION 4. Section 329-14, Hawaii Revised Statutes, is  
11 amended by amending subsection (d) to read as follows:

12           "(d) Any material, compound, mixture, or preparation that  
13 contains any quantity of the following hallucinogenic  
14 substances, their salts, isomers, and salts of isomers, unless  
15 specifically excepted, whenever the existence of these salts,  
16 isomers, and salts of isomers is possible within the specific  
17 chemical designation:

- 18           (1) Alpha-ethyltryptamine (AET);
- 19           (2) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 20           (3) 2,5-dimethoxyamphetamine (2,5-DMA);
- 21           (4) 3,4-methylenedioxy amphetamine;
- 22           (5) 3,4-methylenedioxymethamphetamine (MDMA);



- 1 (6) N-hydroxy-3,4-methylenedioxyamphetamine (N-hydroxy-
- 2 MDA);
- 3 (7) 3,4-methylenedioxy-N-ethylamphetamine (MDE);
- 4 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 5 (9) 4-bromo-2,5-dimethoxy-amphetamine (4-bromo-2,5-DMA);
- 6 (10) 4-Bromo-2,5-dimethoxyphenethylamine (Nexus);
- 7 (11) 3,4,5-trimethoxy amphetamine;
- 8 (12) Bufotenine;
- 9 (13) 4-methoxyamphetamine (PMA);
- 10 (14) Diethyltryptamine;
- 11 (15) Dimethyltryptamine;
- 12 (16) 4-methyl-2,5-dimethoxy-amphetamine;
- 13 (17) Gamma hydroxybutyrate (GHB) (some other names include
- 14 gamma hydroxybutyric acid; 4-hydroxybutyrate; 4-
- 15 hydroxybutanoic acid; sodium oxybate; sodium
- 16 oxybutyrate);
- 17 (18) Ibogaine;
- 18 (19) Lysergic acid diethylamide;
- 19 [~~(20)~~ ~~Marijuana~~;
- 20 ~~(21)~~] (20) Parahexyl;
- 21 [~~(22)~~] (21) Mescaline;
- 22 [~~(23)~~] (22) Peyote;



- 1        [~~(24)~~] (23) N-ethyl-3-piperidyl benzilate;
- 2        [~~(25)~~] (24) N-methyl-3-piperidyl benzilate;
- 3        [~~(26)~~] (25) Psilocybin;
- 4        [~~(27)~~] (26) Psilocyn;
- 5        [~~(28)~~] (27) 1-[+]1-(2-Thienyl) cyclohexyl[+] Pyrrolidine
- 6                    (TCPy);
- 7        [~~(29)~~] (28) Ethylamine analog of phencyclidine (PCE);
- 8        [~~(30)~~] (29) Pyrrolidine analog of phencyclidine (PCPy, PHP);
- 9        [~~(31)~~] (30) Thiophene analog of phencyclidine (TPCP; TCP);
- 10       [~~(32)~~] (31) Gamma-butyrolactone, including butyrolactone;
- 11                   butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone
- 12                   dihydro; dihydro-2(3H)-furanone; tetrahydro-2-
- 13                   furanone; 1,2-butanolide; 1,4-butanolide; 4-
- 14                   butanolide; gamma-hydroxybutyric acid lactone; 3-
- 15                   hydroxybutyric acid lactone and 4-hydroxybutanoic acid
- 16                   lactone with Chemical Abstract Service number 96-48-0
- 17                   when any such substance is intended for human
- 18                   ingestion;
- 19       [~~(33)~~] (32) 1,4 butanediol, including butanediol; butane-1,4-
- 20                   diol; 1,4- butylenes glycol; butylene glycol; 1,4-
- 21                   dihydroxybutane; 1,4- tetramethylene glycol;
- 22                   tetramethylene glycol; tetramethylene 1,4- diol with



- 1           Chemical Abstract Service number 110-63-4 when any  
2           such substance is intended for human ingestion;
- 3    ~~[(34)]~~ (33) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-  
4           T-7), its optical isomers, salts, and salts of  
5           isomers;
- 6    ~~[(35)]~~ (34) N-benzylpiperazine (BZP; 1-benzylpiperazine) its  
7           optical isomers, salts, and salts of isomers;
- 8    ~~[(36)]~~ (35) 1-(3-trifluoromethylphenyl)piperazine (TFMPP),  
9           its optical isomers, salts, and salts of isomers;
- 10   ~~[(37)]~~ (36) Alpha-methyltryptamine (AMT), its isomers, salts,  
11           and salts of isomers;
- 12   ~~[(38)]~~ (37) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT),  
13           its isomers, salts, and salts of isomers;
- 14   ~~[(39)]~~ (38) Salvia divinorum;
- 15   ~~[(40)]~~ (39) Salvinorin A;
- 16   ~~[(41)]~~ (40) Divinorin A; and
- 17   ~~[(42)]~~ (41) 5-Methoxy-N,N-Dimethyltryptamine (5-MeO-DIPT)  
18           (some trade or other names: 5-methoxy-3-[+]-2-  
19           (dimethylamino)ethyl[+]indole; 5-MeO-DMT)."

20           SECTION 5. Section 329-15, Hawaii Revised Statutes, is  
21   amended to read as follows:



1           "~~§~~329-15~~§~~ **Schedule II tests.** A substance shall be  
 2 placed in schedule II if it has a high degree of danger or  
 3 probable danger according to the determination made pursuant to  
 4 section 329-11~~(-)~~, and if:

- 5           (1) The substance has a high potential for abuse;
- 6           (2) The substance has a currently accepted medical use in  
 7 treatment in the United States, or a currently  
 8 accepted medical use with severe restrictions; and
- 9           (3) Abuse of the substance may lead to severe  
 10 psychological or physical dependence."

11           SECTION 6. Section 329-16, Hawaii Revised Statutes, is  
 12 amended by amending subsection (g) to read as follows:

13           "(g) Hallucinogenic substances, unless listed in another  
 14 schedule, shall include:

- 15           (1) Nabilone~~(-)~~;
- 16           (2) Marijuana; and
- 17           (3) Marijuana extract."

18           SECTION 7. Section 329-17, Hawaii Revised Statutes, is  
 19 amended to read as follows:

20           "~~§~~329-17~~§~~ **Schedule III tests.** A substance shall be  
 21 placed in schedule III if the substance has a degree of danger  
 22 or probable danger less than the substances listed in schedules



1 I and II according to the determination made pursuant to section  
2 329-11[-], and if:

3 (1) The substance has a potential for abuse less than the  
4 drugs or other substances in schedules I and II;

5 (2) The substance has a currently accepted medical use in  
6 treatment in the United States; and

7 (3) Abuse of the substance may lead to moderate or low  
8 physical dependence or high psychological dependence."

9 SECTION 8. Section 329-19, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "[~~§~~329-19[~~]~~] **Schedule IV tests.** A substance shall be  
12 placed in schedule IV if the substance has a degree of danger or  
13 probable danger less than the substances listed in schedule III  
14 according to the determination made pursuant to section 329-  
15 11[-], and if:

16 (1) The substance has a low potential for abuse relative  
17 to the drugs or other substances in schedule III;

18 (2) The substance has a currently accepted medical use in  
19 treatment in the United States; and

20 (3) Abuse of the substance may lead to limited physical  
21 dependence or psychological dependence relative to the  
22 drugs or other substances in schedule III."



1 SECTION 9. Section 329-21, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "~~§~~329-21~~§~~ **Schedule V tests.** A substance shall be  
4 placed in schedule V if it has a degree of danger or probable  
5 danger less than the substances listed in schedule IV according  
6 to the determination made pursuant to section 329-11~~[-]~~; and if:

7 (1) The substance has a low potential for abuse relative  
8 to the drugs or other substances in schedule IV;

9 (2) The substance has a currently accepted medical use in  
10 treatment in the United States; and

11 (3) Abuse of the substance may lead to limited physical  
12 dependence or psychological dependence relative to the  
13 drugs or other substances in schedule IV."

14 SECTION 10. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 11. This Act shall take effect upon its approval.

17

INTRODUCED BY:

  
JAN 16 2014





# H.B. NO. 1721

**Report Title:**

Controlled Substances; Marijuana; Schedule II

**Description:**

Amends the Uniform Controlled Substances Act by adding a definition for "marijuana extract," adding new scheduling criteria to the five scheduling sections for controlled substances, and making marijuana and marijuana extract a schedule II controlled substance under Hawaii law.

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

