

SB 2882

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

Updates Chapter 329, Hawaii Revised Statutes (HRS), to make it consistent with amendments in federal law on controlled substances. Amends sections 329-14 and 329-20, HRS, to add new controlled substances federally scheduled as required under section 329-11, HRS.

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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No. _____

TESTIMONY ON SENATE BILL (SB) 2882
A BILL RELATING TO
UNIFORM CONTROLLED SUBSTANCES ACT
Ted Sakai, Director
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental and Military Affairs
Senator Will Espero, Chair
Senator Rosalyn H. Baker, Vice Chair

Tuesday, February 4, 2014, 3:45 p.m.
State Capitol, Conference Room 224

Chair Espero, Vice Chair Baker, and Members of the Committee:

The Department of Public Safety (PSD) **supports** SB 2882 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. 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'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-(Ethyliothio)-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, 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.

On June 7, 2013, Deputy Administrator of the DEA issued this 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.

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-

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.

On September 20, 2013 and November 15, 2013, the Department 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.

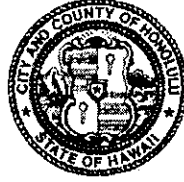
The Department was also given notice by the Federal government on December 2, 2013, of another Federal scheduling action that was not contained in SB2882. On December 2, 2013, the Deputy Administrator of the DEA issued this final order to place the substance perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-dihydropyridin-3-yl) benzonitrile], including its salts, isomers, and salts of isomers, into schedule III of the CSA effective January 2, 2014. The Department, on December 10, 2014, gave notice in accordance with provisions set forth in Section 329-11(d) of the Hawaii Revised Statutes and also placed 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, Section 329-18(c), HRS to be effective January 2, 2014.

The Department requests an amendment to SB2882, to include language to place the drug "Perampanel" into Schedule III. This new drug was scheduled by the Federal Government in early January of 2014, and therefore not included in the original SB2882.

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 4, 2014

The Honorable Will Espero, Chair
and Members
Committee on Public Safety,
Intergovernmental and
Military Affairs
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Espero and Members:

SUBJECT: Senate Bill No. 2882, Relating to Controlled Substances

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, Relating to Controlled Substances.

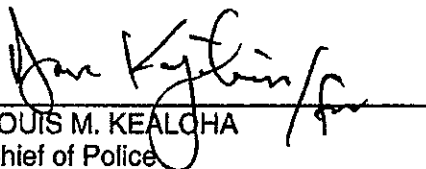
The legislation would add new controlled substances that were emergency scheduled or added to comply with changes to the federal Controlled Substances Act designated under the Hawaii Revised Statutes, Chapter 329, Part II, Section 329-11.

The Honolulu Police Department urges you to support Senate Bill No. 2882, Relating to Controlled Substances.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


LOUIS M. KEALOHA
Chief of Police


JERRY INOUYE, Major
Narcotics/Vice Division