

---

---

## A BILL FOR AN ACT

RELATING TO SYNTHETIC DRUGS.

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

1           SECTION 1. The legislature finds that the recent growth of  
2 synthetic drugs, such as spice/k2 and bath salts, and the  
3 dangers presented by these substances, requires enhanced methods  
4 and strategies to respond to them as soon as their existence  
5 becomes known to the State. The purpose of this Act is create a  
6 process by which synthetic drugs can be quickly outlawed and  
7 instantly identified by the attorney general.

8           SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
9 amended by adding a new section to be appropriately designated  
10 and to read as follows:

11           "§321-           Synthetic drugs; emergency rules.   (a) Not  
12 less than every ninety days, and in consultation with the county  
13 police departments, the department shall send written notice to  
14 the governor, the attorney general, and the legislature stating  
15 whether the department has identified any new synthetic drugs  
16 that are not currently listed as a controlled substance under  
17 chapter 329. In order to identify new synthetic drugs, the



1 department shall consult with the department of public safety,  
2 narcotics enforcement division; the county police departments;  
3 the United States Drug Enforcement Agency; the United States  
4 Office of National Drug Control Policy; the Scientific Working  
5 Group for the Analysis of Seized Drugs; and the departments of  
6 health in other states.

7       (b) If the department of health has identified any new  
8 synthetic drugs, the department shall immediately propose an  
9 emergency rule to add those new synthetic drugs as an  
10 administrative attachment to the appropriate schedule of  
11 controlled substances under chapter 329, and expeditiously adopt  
12 the proposed rule, notwithstanding chapters 91 and 329. Upon  
13 adoption of the emergency rule, the rule shall take effect  
14 immediately, and the new synthetic drug shall be recognized as a  
15 controlled substance under chapter 329, notwithstanding any law  
16 to the contrary.

17       (c) Any emergency rule adopted pursuant to this section  
18 shall automatically sunset in twelve months from the date of its  
19 adoption.



1        (d) Nothing in this section shall interfere with any  
2 exemptions provided under law to any person or entity that  
3 possesses a synthetic drug for lawful purposes."

4        SECTION 3. Chapter 52D, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7        "§52D-        **Field testing; synthetic drugs.** (a) There is  
8 established in the county police department of a county with a  
9 population of not less than seven hundred thousand a program  
10 that uses technologies and protocols to instantly identify  
11 synthetic drugs upon their transfer to the possession of the  
12 county police department. The program shall focus on using  
13 technology capable of justifying a court's use of judicial  
14 notice in the identification of the synthetic drugs.

15        (b) Not less than twenty days prior to the convening of  
16 each regular session, the police chief of the affected county  
17 shall submit a report to the legislature outlining the findings  
18 of the program and make any recommendation on whether the  
19 technologies and protocols used in the program are effective in  
20 preventing the spread of synthetic drugs in the State. The  
21 report shall include the following:



- 1        (1) A review of the technical capabilities and accuracy  
2            rates of technologies and protocols used in the  
3            program;
- 4        (2) A description of the impact to any county crime  
5            laboratory backlog if the technologies and protocols  
6            used by the county police department minimizes or  
7            eliminates the necessity of sending the synthetic  
8            drugs to a crime laboratory for testing, including the  
9            potential cost savings to state and local government;  
10        and
- 11        (3) A description of whether the courts grant judicial  
12            notice of the identification of the synthetic drugs  
13            through the use of those technologies and protocols."

14        SECTION 3. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$                    or so  
16 much thereof as may be necessary for fiscal year 2015-2016 and  
17 the same sum or so much thereof as may be necessary for fiscal  
18 year 2016-2017 for the State to meet its constitutional  
19 obligation under article VIII, section 5, of the state  
20 constitution, in sharing in the cost of the local mandate  
21 imposed upon the affected county under this Act.



1           The sums appropriated shall be expended by the city and  
2 county of Honolulu for the purposes of this Act.

3           SECTION 4.   New statutory material is underscored.

4           SECTION 5.   This Act shall take effect on July 1, 2015.

5

INTRODUCED BY:

*John M. ...*  
*Jon ...*  
*...*

JAN 26 2015



# H.B. NO. 856

**Report Title:**

Synthetic Drugs; Controlled Substances; Field Testing;  
Appropriations

**Description:**

Authorizes the DOH to use emergency rulemaking to add synthetic drugs as an administrative attachment to the list of controlled substances. Requires certain county police departments to use technologies and protocols that instantly identify synthetic drugs. Appropriates moneys to the affected counties.

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

