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# A BILL FOR AN ACT

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

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

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

3           1. By adding three new definitions to be appropriately  
4 inserted and to read:

5           "Pharmacy delegate" means an individual employed by the  
6 pharmacy and selected by the pharmacist to act as that  
7 pharmacist's agent to whom the pharmacist has delegated the task  
8 of accessing electronic prescription accountability system  
9 information and for whose actions the pharmacist takes full  
10 responsibility.

11           "Practitioner delegate" means an agent or employee of a  
12 practitioner (physician, dentist, veterinarian, advanced  
13 practice registered nurse with prescriptive authority, or  
14 physician assistant) to whom the practitioner has delegated the  
15 task of accessing electronic prescription accountability system  
16 information and for whose actions the practitioner takes full  
17 responsibility.



1       "Reverse distributor" means a registrant who is registered  
2 under section 329-32 to receive controlled substances acquired  
3 from another state certified controlled substance registrant for  
4 the purpose of:

5       (1) Returning unwanted, unusable, or outdated controlled  
6 substances to the manufacturer or the manufacturer's  
7 agent; or

8       (2) Where necessary, processing such substances or  
9 arranging for the processing of such substances for  
10 disposal as authorized by the administrator."

11       2. By amending the definition of "dispense" to read:

12       "Dispense" means to deliver a controlled substance to an  
13 ultimate user or research subject by or pursuant to the lawful  
14 order of a practitioner, including the [~~prescribing~~]  
15 administering[~~7~~] of a practitioner's controlled substances, and  
16 packaging, labeling, or compounding necessary to prepare the  
17 substance for that delivery. A controlled substance is  
18 dispensed when:

19       (1) It is compounded, prepared, labeled, and packaged  
20       pursuant to the lawful order of a practitioner by a  
21       licensed pharmacist acting in the usual course of



1           ~~[his]~~ the licensed pharmacist's professional practice  
2           and who is either registered individually or employed  
3           in a registered pharmacy or by a registered  
4           institutional practitioner, for delivery to the  
5           ultimate user;

6           (2) It is compounded, prepared, labeled and packaged for  
7           delivery to the ultimate user by a practitioner acting  
8           in the usual course of ~~[his]~~ the practitioner's  
9           professional practice;

10          (3) It is prepared, labeled, and packaged pursuant to the  
11          lawful order of a practitioner by a registered health  
12          care professional acting as an agent of the  
13          practitioner for delivery to the ultimate user by the  
14          practitioner; or

15          (4) It is prepackaged by a pharmacist for use in an  
16          emergency facility for delivery to the ultimate user  
17          by a licensed or registered health care professional  
18          pursuant to the order of a physician."

19          3. By amending the definition of "locum tenens  
20          practitioner" to read:

21          "Locum tenens practitioner" means a practitioner[+]



1       ~~(1) Who] who~~ is licensed in this State and [~~registered~~  
2       ~~under section 329-32 to administer, prescribe, or~~  
3       ~~dispense a controlled substance in the course of~~  
4       ~~professional practice,~~] who temporarily substitutes  
5       for another [~~registered~~] practitioner for a period not  
6       to exceed sixty days at that other practitioner's  
7       registered place of business[~~, and~~  
8       ~~(2) Whose Drug Enforcement Administration controlled~~  
9       ~~substance registration number has not been transferred~~  
10       ~~to the State of Hawaii].~~

11       Locum tenens practitioners are not eligible to receive an oral  
12       code number as designated by section [+]328-16(k) [+] ."

13       SECTION 2. Section 329-14, Hawaii Revised Statutes, is  
14       amended by amending subsection (b) to read as follows:

15       "(b) Any of the following opiates, including their  
16       isomers, esters, ethers, salts, and salts of isomers, esters,  
17       and ethers, unless specifically excepted, whenever the existence  
18       of these isomers, esters, ethers, and salts is possible within  
19       the specific chemical designation:

20       (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-  
21       phenethyl)-4-piperidinyl]-N-phenylacetamide);



- 1 (2) Acetylmethadol;
- 2 (3) Allylprodine;
- 3 (4) Alphacetylmethadol (except levo-alphacetylmethadol,  
4 levomethadyl acetate, or LAAM);
- 5 (5) Alphameprodine;
- 6 (6) Alphamethadol;
- 7 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-  
8 phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-  
9 2-phenylethyl)-4-(N-propanilido) piperidine);
- 10 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-  
11 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- 12 (9) Benzethidine;
- 13 (10) Betacetylmethadol;
- 14 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-  
15 piperidinyl]-N-phenylpropanamide);
- 16 (12) Beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-  
17 phenethyl)-3-methyl-4-piperidinyl]-N-  
18 phenylpropanamide);
- 19 (13) Betameprodine;
- 20 (14) Betamethadol;
- 21 (15) Betaprodine;



- 1 (16) Clonitazene;
- 2 (17) Dextromoramide;
- 3 (18) Diampromide;
- 4 (19) Diethylthiambutene;
- 5 (20) Difenoxin;
- 6 (21) Dimenoxadol;
- 7 (22) Dimepheptanol;
- 8 (23) Dimethylthiambutene;
- 9 (24) Dioxaphetyl butyrate;
- 10 (25) Dipipanone;
- 11 (26) Ethylmethylthiambutene;
- 12 (27) Etonitazene;
- 13 (28) Etoxeridine;
- 14 (29) Furethidine;
- 15 (30) Hydroxypethidine;
- 16 (31) Ketobemidone;
- 17 (32) Levomoramide;
- 18 (33) Levophenacymorphan;
- 19 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 20 piperidyl]-N-phenylpropanamide);



- 1 (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-  
2 4-piperidiny] -N-phenylpropanamide);
- 3 (36) Morpheridine;
- 4 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 5 (38) Noracymethadol;
- 6 (39) Norlevorphanol;
- 7 (40) Normethadone;
- 8 (41) Norpipanone;
- 9 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-  
10 phenethyl)-4-piperidiny] propanamide;
- 11 (43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;
- 12 (44) Phenadoxone;
- 13 (45) Phenampromide;
- 14 (46) Phenomorphan;
- 15 (47) Phenoperidine;
- 16 (48) Piritramide;
- 17 (49) Proheptazine;
- 18 (50) Properidine;
- 19 (51) Propiram;
- 20 (52) Racemoramide;



- 1 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-  
2 piperidinyl]-propanamide);
- 3 (54) Tilidine;
- 4 (55) Trimeperidine;
- 5 (56) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide  
6 (benzylfentanyl), its optical isomers, salts, and  
7 salts of isomers; ~~and~~
- 8 (57) N-[1-(2-thienyl)methyl-4-piperidyl]-N-  
9 phenylpropanamide (thenylfentanyl), its optical  
10 isomers, salts, and salts of isomers[-]; and
- 11 (58) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide,  
12 (acetyl fentanyl) its optical, positional, and  
13 geometric isomers, salts, and salts of isomers."

14 SECTION 3. Section 329-14, Hawaii Revised Statutes, is  
15 amended by amending subsection (g) to read as follows:

16 "(g) Any of the following cannabinoids, their salts,  
17 isomers, and salts of isomers, unless specifically excepted,  
18 whenever the existence of these salts, isomers, and salts of  
19 isomers is possible within the specific chemical designation:

- 20 (1) Tetrahydrocannabinols; meaning tetrahydrocannabinols  
21 naturally contained in a plant of the genus Cannabis





1 (cannabis plant), as well as synthetic equivalents of  
2 the substances contained in the plant, or in the  
3 resinous extractives of Cannabis, sp. or synthetic  
4 substances, derivatives, and their isomers with  
5 similar chemical structure and pharmacological  
6 activity to those substances contained in the plant,  
7 such as the following: Delta 1 cis or trans  
8 tetrahydrocannabinol, and their optical isomers; Delta  
9 6 cis or trans tetrahydrocannabinol, and their optical  
10 isomers; and Delta 3,4 cis or trans-  
11 tetrahydrocannabinol, and its optical isomers (since  
12 nomenclature of these substances is not  
13 internationally standardized, compounds of these  
14 structures, regardless of numerical designation of  
15 atomic positions, are covered);

16 (2) Naphthoylindoles; meaning any compound containing a 3-  
17 (1-naphthoyl)indole structure with substitution at the  
18 nitrogen atom of the indole ring by a alkyl,  
19 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
20 1-(N-methyl-2-piperidiny) methyl or 2-(4-morpholinyl)  
21 ethyl group, whether or not further substituted in the



- 1 indole ring to any extent and whether or not  
2 substituted in the naphthyl ring to any extent;
- 3 (3) Naphthylmethylindoles; meaning any compound containing  
4 a 1H-indol-3-yl-(1-naphthyl) methane structure with  
5 substitution at the nitrogen atom of the indole ring  
6 by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
7 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or  
8 2-(4-morpholinyl) ethyl group whether or not further  
9 substituted in the indole ring to any extent and  
10 whether or not substituted in the naphthyl ring to any  
11 extent;
- 12 (4) Naphthoylpyrroles; meaning any compound containing a  
13 3-(1-naphthoyl) pyrrole structure with substitution at  
14 the nitrogen atom of the pyrrole ring by a alkyl,  
15 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
16 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)  
17 ethyl group whether or not further substituted in the  
18 pyrrole ring to any extent, whether or not substituted  
19 in the naphthyl ring to any extent;
- 20 (5) Naphthylmethylindenes; meaning any compound containing  
21 a naphthylideneindene structure with substitution at



1 the 3-position of the indene ring by a alkyl,  
2 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
3 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)  
4 ethyl group whether or not further substituted in the  
5 indene ring to any extent, whether or not substituted  
6 in the naphthyl ring to any extent;

7 (6) Phenylacetylindoles; meaning any compound containing a  
8 3-phenylacetylindole structure with substitution at  
9 the nitrogen atom of the indole ring by a alkyl,  
10 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
11 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)  
12 ethyl group whether or not further substituted in the  
13 indole ring to any extent, whether or not substituted  
14 in the phenyl ring to any extent;

15 (7) Cyclohexylphenols; meaning any compound containing a  
16 2-(3-hydroxycyclohexyl) phenol structure with  
17 substitution at the 5-position of the phenolic ring by  
18 a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
19 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or  
20 2-(4-morpholinyl) ethyl group whether or not  
21 substituted in the cyclohexyl ring to any extent;



- 1 (8) Benzoylindoles; meaning any compound containing a 3-  
2 (benzoyl) indole structure with substitution at the  
3 nitrogen atom of the indole ring by a alkyl,  
4 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
5 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)  
6 ethyl group whether or not further substituted in the  
7 indole ring to any extent and whether or not  
8 substituted in the phenyl ring to any extent;
- 9 (9) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)  
10 pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-  
11 naphthalenylmethanone (another trade name is WIN  
12 55,212-2);
- 13 (10) (6a,10a)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-  
14 methyloctan-2-yl)-6a,7,10,10a-  
15 tetrahydrobenzo[c]chromen-1-ol (other trade names are:  
16 HU-210 and HU-211);
- 17 (11) Tetramethylcyclopropanoylindoles; meaning any compound  
18 containing a 3-tetramethylcyclopropanoylindole  
19 structure with substitution at the nitrogen atom of  
20 the indole ring by an alkyl, haloalkyl, cyanoalkyl,  
21 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-



- 1 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,  
2 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
3 morpholinyl)methyl, or tetrahydropyranylmethyl group,  
4 whether or not further substituted in the indole ring  
5 to any extent and whether or not substituted in the  
6 tetramethylcyclopropyl ring to any extent;
- 7 (12) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide,  
8 its optical, positional, and geometric isomers, salts,  
9 and salts of isomers (Other names: APINACA, AKB48);
- 10 (13) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate, its  
11 optical, positional, and geometric isomers, salts, and  
12 salts of isomers (Other names: PB-22; QUPIC);
- 13 (14) Quinolin-8-yl 1-(5fluoropentyl)-1H-indole-3-  
14 carboxylate, its optical, positional, and geometric  
15 isomers, salts, and salts of isomers (Other names: 5-  
16 fluoro-PB-22; 5F-PB-22);
- 17 (15) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-  
18 fluorobenzyl)-1H-indazole-3-carboxamide, its optical,  
19 positional, and geometric isomers, salts, and salts of  
20 isomers (Other names: AB-FUBINACA);



- 1 (16) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-  
2 indazole-3-carboxamide, its optical, positional, and  
3 geometric isomers, salts, and salts of isomers (Other  
4 names: ADB-PINACA);
- 5 (17) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-  
6 (cyclohexylmethyl)-1H-indazole-3-carboxamide, its  
7 optical, positional, and geometric isomers, salts, and  
8 salts of isomers (Other names: AB-CHMINACA);
- 9 (18) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-  
10 indazole-3-carboxamide, and geometric isomers, salts,  
11 and salts of isomers (Other names: AB-PINACA);
- 12 (19) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-  
13 yl)methanone, and geometric isomers, salts, and salts  
14 of isomers (Other names: THJ-2201);
- 15 (20) Methyl (1-(4-fluorobenzyl)-1 H-indazole-3-carbonyl)-L-  
16 valinate, and geometric isomers, salts, and salts of  
17 isomers (Other names: FUB-AMB);
- 18 (21) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-  
19 carboxamido)-3-methylbutanoate, and geometric isomers,  
20 salts, and salts of isomers (Other names: 5-fluoro-  
21 AMB, 5-fluoro-AMP);



- 1 (22) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-  
2 indazole-3-carboxamide, and geometric isomers, salts,  
3 and salts of isomers (Other names: AKB48 N-(5-  
4 fluoropentyl) analog, 5F-AKB48, APINACA 5-fluoropentyl  
5 analog, 5F-APINACA);
- 6 (23) N-adamantyl-1-fluoropentylindole-3-Carboxamide, and  
7 geometric isomers, salts, and salts of isomers (Other  
8 names: STS-135, 5F-APICA; 5-fluoro-APICA); [and]
- 9 (24) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-  
10 caboxylate, and geometric isomers, salts, and salts of  
11 isomers (Other names: NM2201) [~~and~~]; and
- 12 (25) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-  
13 (cyclohexylmethyl)-1H-indazole-3-carboxamide, and  
14 geometric isomers, salts, and salts of isomers (Other  
15 names: MAB-CHMINACA and ADB-CHMINACA)."

16 SECTION 4. Section 329-20, Hawaii Revised Statutes, is  
17 amended by amending subsection (e) to read as follows:

18 "(e) Other substances. Unless specifically excepted or  
19 unless listed in another schedule, any material, compound,  
20 mixture, or preparation which contains any quantity of the



1 following substances, including its [~~salts: Pentazocine.~~]  
2 optical isomers and its salts, isomers, and salts of isomers:

- 3       (1) Pentazocine; and  
4       (2) Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl)-  
5       2,6-dimethylphenyl]-1-oxopropyl][(1S)-1-(4-phenyl-1H-  
6       imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic  
7       acid."

8       SECTION 5. Section 329-23, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10       "(a) The department of public safety shall [~~republish~~]  
11 make available to the public on the department's website the  
12 schedules annually or more often, as may be necessary to update  
13 the schedules."

14       SECTION 6. Section 329-31, Hawaii Revised Statutes, is  
15 amended to read as follows:

16       "§329-31 Rules. The department of public safety may  
17 [~~promulgate~~] adopt rules and charge reasonable fees relating to  
18 the registration and control of the manufacture, distribution,  
19 [~~prescription, and~~] prescribing, dispensing [ef], or reverse  
20 distribution with controlled substances within this State."





1 SECTION 7. Section 329-32, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending subsections (a) and (b) to read:

4 "(a) Every person who:

5 (1) Manufactures, distributes, prescribes, [~~or~~] dispenses,  
6 or conducts reverse distribution with any controlled  
7 substance within this State;

8 (2) Proposes to engage in the manufacture, distribution,  
9 prescription, [~~or~~] dispensing, or reverse distribution  
10 of any controlled substance within this State; or

11 (3) Dispenses or proposes to dispense any controlled  
12 substance for use in this State by shipping, mailing,  
13 or otherwise delivering the controlled substance from  
14 a location outside this State;

15 shall obtain a registration issued by the department of public  
16 safety in accordance with the department's rules. A licensed or  
17 registered health care professional who acts as the authorized  
18 agent of a practitioner and who administers controlled  
19 substances at the direction of the practitioner shall not be  
20 required to obtain a registration.



1           (b) Persons registered by the department of public safety  
2 under this chapter to manufacture, distribute, prescribe,  
3 dispense, store, [~~or~~] conduct research, or conduct reverse  
4 distribution with controlled substances may possess,  
5 manufacture, distribute, prescribe, dispense, store, or conduct  
6 research with those substances to the extent authorized by their  
7 registration and in conformity with this part."

8           2. By amending subsection (e) to read:

9           "(e) A separate registration shall be required at each  
10 principal place of business or professional practice where the  
11 applicant manufactures, distributes, prescribes, [~~or~~] dispenses,  
12 or conducts reverse distribution with controlled substances,  
13 except an office used by a practitioner (who is registered at  
14 another location) where controlled substances are prescribed but  
15 neither administered nor otherwise dispensed as a regular part  
16 of the professional practice of the practitioner at such office,  
17 and where no supplies of controlled substances are maintained."

18           SECTION 8. Section 329-33, Hawaii Revised Statutes, is  
19 amended as follows:

20           1. By amending subsection (a) to read:



1           "(a) The department of public safety shall register an  
2 applicant to manufacture, dispense, prescribe, [~~or~~] distribute,  
3 or conduct reverse distribution with controlled substances  
4 included in sections 329-14, 329-16, 329-18, 329-20, and 329-22  
5 unless it determines that the issuance of that registration  
6 would be inconsistent with the public interest. In determining  
7 the public interest, the department of public safety shall  
8 consider the following factors:

- 9           (1) Maintenance of effective controls against diversion of  
10 controlled substances into other than legitimate  
11 medical, scientific, or industrial channels;
- 12           (2) Compliance with applicable state and local law;
- 13           (3) Any convictions of the applicant under any federal and  
14 state laws relating to any controlled substance;
- 15           (4) Past experience in the manufacture or distribution of  
16 controlled substances, and the existence in the  
17 applicant's establishment of effective controls  
18 against diversion;
- 19           (5) Furnishing by the applicant of false or fraudulent  
20 material in any application filed under this chapter;



- 1           (6) Suspension, revocation, or surrender of the  
2           applicant's federal registration to manufacture,  
3           distribute, prescribe, or dispense controlled  
4           substances as authorized by federal law; and  
5           (7) Any other factor relevant to and consistent with the  
6           public health and safety."

7           2. By amending subsection (c) to read:

8           "(c) Practitioners [~~must~~] shall be registered to dispense  
9           or to prescribe any controlled substances or to conduct research  
10          with controlled substances in schedules II through V if they are  
11          authorized to dispense or to prescribe or conduct research under  
12          the law of this State. The department of public safety need not  
13          require separate registration under this part for practitioners  
14          engaging in research with nonnarcotic controlled substances in  
15          schedules II through V where the registrant is already  
16          registered under this part in another capacity. [~~Practitioners~~  
17          ~~registered under federal law to conduct research with schedule I~~  
18          ~~substances may conduct research with schedule I substances~~  
19          ~~within this State upon furnishing the department of public~~  
20          ~~safety evidence of that federal registration.] "~~



1 SECTION 9. Section 329-34, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) A registration under section 329-33 to manufacture,  
4 distribute, [~~or~~] dispense, or conduct reverse distribution with  
5 a controlled substance may be suspended or revoked by the  
6 department of public safety upon a finding that the registrant:

7 (1) Has furnished false or fraudulent material information  
8 in any application filed under this chapter;

9 (2) Has been convicted of a felony or has been granted a  
10 motion for the deferral of acceptance of a guilty plea  
11 or a nolo contendere plea to a felony, pursuant to  
12 chapter 853 and under any state or federal law  
13 relating to any controlled substance;

14 (3) Has had the registrant's federal registration  
15 suspended or revoked to manufacture, distribute,  
16 prescribe, [~~or~~] dispense, or conduct reverse  
17 distribution with controlled substances; or

18 (4) Has had the registrant's state license to practice the  
19 registrant's profession suspended or revoked by the  
20 applicable governing state board."



1 SECTION 10. Section 329-36, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§329-36 Records of registrants. Persons registered to  
4 manufacture, distribute, prescribe, [~~or~~] dispense, or conduct  
5 reverse distribution with controlled substances under this  
6 chapter shall keep records and maintain inventories in  
7 conformance with the recordkeeping and inventory requirements of  
8 federal law and with any additional rules the department of  
9 public safety issues."

10 SECTION 11. Section 329-37, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "§329-37 Filing requirements. All persons registered to  
13 manufacture, distribute, conduct reverse distribution, or  
14 dispense controlled substances and all persons who transport,  
15 warehouse, or otherwise handle controlled substances, shall file  
16 with the department of public safety on forms and within the  
17 time and manner prescribed by the department of public safety,  
18 copies of order, receipt and distribution of schedule I and  
19 schedule II controlled substances and other controlled  
20 substances designated by the department of public safety,  
21 showing the amounts of such controlled substances ordered,



1 received, distributed, transported, warehoused, or otherwise  
2 handled."

3 SECTION 12. Section 329-38, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) No controlled substance in schedule II may be  
6 dispensed without a written prescription of a practitioner,  
7 except:

8 (1) In the case of an emergency situation, a pharmacist  
9 may dispense a controlled substance listed in schedule  
10 II upon receiving oral authorization from a  
11 prescribing practitioner; provided that:

12 (A) The quantity prescribed and dispensed is limited  
13 to the amount adequate to treat the patient  
14 during the emergency period (dispensing beyond  
15 the emergency period [~~must~~] shall be pursuant to  
16 a written prescription signed by the prescribing  
17 practitioner);

18 (B) If the prescribing practitioner is not known to  
19 the pharmacist, the pharmacist shall make a  
20 reasonable effort to determine that the oral  
21 authorization came from a registered



1 practitioner, which may include a callback to the  
2 prescribing practitioner using the phone number  
3 in the telephone directory or other good faith  
4 efforts to identify the prescriber; and

5 (C) Within seven days after authorizing an emergency  
6 oral prescription, the prescribing practitioner  
7 shall cause a written prescription for the  
8 emergency quantity prescribed to be delivered to  
9 the dispensing pharmacist. In addition to  
10 conforming to the requirements of this  
11 subsection, the prescription shall have written  
12 on its face "Authorization for Emergency  
13 Dispensing". The written prescription may be  
14 delivered to the pharmacist in person or by mail,  
15 and if by mail, the prescription shall be  
16 postmarked within the seven-day period. Upon  
17 receipt, the dispensing pharmacist shall attach  
18 this prescription to the oral emergency  
19 prescription, which had earlier been reduced to  
20 writing. The pharmacist shall notify the  
21 administrator if the prescribing practitioner





1 fails to deliver a written prescription to the  
2 pharmacy within the allotted time. Failure of  
3 the pharmacist to do so shall void the authority  
4 conferred by this paragraph to dispense without a  
5 written prescription of a prescribing individual  
6 practitioner. Any practitioner who fails to  
7 deliver a written prescription within the seven-  
8 day period shall be in violation of section 329-  
9 41(a)(1);

10 (2) No schedule II narcotic controlled substance may be  
11 prescribed or dispensed for more than a thirty-day  
12 supply;

13 [~~2~~] (3) When dispensed directly by a practitioner, other  
14 than a pharmacist, to the ultimate user. The  
15 practitioner in dispensing a controlled substance in  
16 schedule II shall affix to the package a label  
17 showing:

18 (A) The date of dispensing;

19 (B) The name, strength, and quantity of the drug  
20 dispensed;

21 (C) The dispensing practitioner's name and address;



- 1 (D) The name of the patient;
- 2 (E) The "use by" date for the drug, which shall be:
- 3 (i) The expiration date on the manufacturer's or
- 4 principal labeler's container; or
- 5 (ii) One year from the date the drug is
- 6 dispensed, whichever is earlier; and
- 7 (F) Directions for use, and cautionary statements, if
- 8 any, contained in the prescription or as required
- 9 by law.

10 A complete and accurate record of all schedule II

11 controlled substances ordered, administered,

12 prescribed, and dispensed shall be maintained for five

13 years. Prescriptions and records of dispensing shall

14 otherwise be retained in conformance with the

15 requirements of section 329-36. No prescription for a

16 controlled substance in schedule II may be refilled;

17 or

18 [~~3~~] (4) In the case of an electronic prescription, a

19 pharmacist may dispense a controlled substance listed

20 in schedule II upon receiving an electronic

21 prescription."



1 SECTION 13. Section 329-49, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) Any person who violates this chapter or any rule  
4 adopted by the department pursuant to this chapter shall be  
5 fined not more than \$10,000 for each separate offense. Any  
6 action taken to collect the penalty provided for in this  
7 subsection shall be considered a civil action and the fine shall  
8 be deposited into the [~~state general fund.~~] controlled substance  
9 registration revolving fund pursuant to section 329-59."

10 SECTION 14. Section 329-52, Hawaii Revised Statutes, is  
11 amended by amending subsection (c) to read as follows:

12 "(c) For purposes of this section, "controlled premises"  
13 means:

- 14 (1) Places where persons registered or exempted from  
15 registration requirements under this chapter are  
16 required to keep records; and
- 17 (2) Places, including factories, warehouses,  
18 establishments, and conveyances in which persons  
19 registered or exempted from registration requirements  
20 under this chapter are permitted to hold, manufacture,  
21 compound, process, sell, dispense, deliver, conduct



1           chemical analysis, or otherwise dispose of any  
2           controlled substance or regulated chemical designated  
3           under section 329-61."

4           SECTION 15. Section 329-54, Hawaii Revised Statutes, is  
5           amended by amending subsection (c) to read as follows:

6           "(c) A practitioner engaged in medical research is not  
7           required or compelled to furnish the name or identity of a  
8           research subject to the department of public safety, nor may the  
9           practitioner be compelled in any state or local civil, criminal,  
10          administrative, legislative, or other proceedings to furnish the  
11          name or identity of any research subject that the practitioner  
12          is obligated to keep confidential[-] unless the subject violates  
13          section 329-41 or 329-46 or commits an offense pursuant to part  
14          IV of chapter 712."

15          SECTION 16. Section 329-59, Hawaii Revised Statutes, is  
16          amended by amending subsection (b) to read as follows:

17          "(b) The fund shall consist of all moneys derived from  
18          fees collected pursuant to sections 329-31 and 329-67 [~~and~~],  
19          legislative appropriations[-], and fines collected pursuant to  
20          section 329-49. All fees collected pursuant to sections 329-31  
21          and 329-67 and fines collected pursuant to section 329-49 shall



1 be deposited in the controlled substance registration revolving  
2 fund."

3 SECTION 17. Section 329-74, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) A person commits the offense of unlawful transport of  
6 pseudoephedrine if the person transports more than three  
7 packages of any product the sale of which is restricted by  
8 section 329-75 [~~without a permit issued from the department~~]."

9 SECTION 18. Section 329-101, Hawaii Revised Statutes, is  
10 amended by amending subsection (b) to read as follows:

11 "(b) The designated state agency shall determine those  
12 schedules of controlled substances, classes of controlled  
13 substances, and specific controlled substances that are  
14 purportedly being misused and abused in the State. As part of  
15 the controlled substance registration process, all  
16 practitioners, except veterinarians, and pharmacies shall be  
17 registered with the department to utilize the electronic  
18 prescription accountability system. No identified controlled  
19 substances may be dispensed unless information relevant to the  
20 dispensation of the substance is reported electronically or by  
21 means indicated by the designated state agency to the central



1 repository established under section 329-102, in accordance with  
2 rules adopted by the department."

3 SECTION 19. Section 329-104, Hawaii Revised Statutes, is  
4 amended by amending subsection (c) to read as follows:

5 "(c) This section shall not prevent the disclosure, at the  
6 discretion of the administrator, of investigative information  
7 to:

- 8 (1) Law enforcement officers, investigative agents of  
9 federal, state, or county law enforcement or  
10 regulatory agencies, United States attorneys, county  
11 prosecuting attorneys, or the attorney general;  
12 provided that the administrator has reasonable grounds  
13 to believe that the disclosure of any information  
14 collected under this part is in furtherance of an  
15 ongoing criminal or regulatory investigation or  
16 prosecution;
- 17 (2) Registrants authorized under chapters 448, 453, and  
18 463E who are registered to administer, prescribe, or  
19 dispense controlled substances [7] and their  
20 practitioner delegate; provided that the information



1 disclosed relates only to the registrant's own  
2 patient;

3 (3) Pharmacists ~~[7]~~ or pharmacist delegates, employed by a  
4 pharmacy registered under section 329-32, who request  
5 prescription information about a customer relating to  
6 a violation or possible violation of this chapter;

7 ~~[or]~~

8 (4) Other state-authorized governmental prescription-  
9 monitoring programs ~~[7]~~ ;

10 (5) The chief medical examiner or licensed physician  
11 designee who requests information and certifies the  
12 request is for the purpose of investigating the death  
13 of an individual;

14 (6) Qualified personnel for the purpose of bona fide  
15 research or education; provided that data elements  
16 that would reasonably identify a specific recipient,  
17 prescriber, or dispenser shall be deleted or redacted  
18 from the information prior to disclosure; provided  
19 further that release of the information may be made  
20 only pursuant to a written agreement between qualified



1 personnel and the administrator in order to ensure  
2 compliance with this subsection; and  
3 (7) Other entities or individuals authorized by the  
4 administrator to assist the program with projects that  
5 enhance the electronic prescription accountability  
6 system.

7 Information disclosed to a registrant, pharmacist, or authorized  
8 government agency under this section shall be transmitted by a  
9 secure means determined by the designated agency."

10 SECTION 20. Section 329-31.5, Hawaii Revised Statutes, is  
11 repealed.

12 [~~"§329-31.5 Clinics. Registration as a clinic is required~~  
13 ~~when an out-patient medical facility maintains centralized~~  
14 ~~ordering, storage, and record keeping of controlled substances~~  
15 ~~to be administered and/or dispensed to patients. Registration~~  
16 ~~of a clinic requires that:~~

17 ~~(1) Each location where controlled substances are stocked~~  
18 ~~be registered by name, location, and designated~~  
19 ~~principal practitioner or affiliated pharmacy. The~~  
20 ~~principal practitioner or affiliated pharmacy shall be~~  
21 ~~responsible for the accurate maintenance of records~~





1 ~~which document all controlled substances ordered,~~  
2 ~~received, administered, and dispensed within the~~  
3 ~~clinic,~~

4 ~~(2) Controlled substances stocked at a clinic under the~~  
5 ~~clinic State of Hawaii and Drug Enforcement~~  
6 ~~Administration registration numbers be administered to~~  
7 ~~clinic patients by licensed or registered health care~~  
8 ~~professionals under the supervision of the treating~~  
9 ~~practitioner,~~

10 ~~(3) Controlled substances stocked at a clinic under the~~  
11 ~~clinic State of Hawaii and Drug Enforcement~~  
12 ~~Administration registration numbers be dispensed to~~  
13 ~~clinic patients only by the treating practitioner for~~  
14 ~~emergency and urgent care, when a written prescription~~  
15 ~~would not be practical,~~

16 ~~(4) A centralized record signed and dated by the treating~~  
17 ~~practitioner which indicates the patient, controlled~~  
18 ~~substance, date and time of administration and/or~~  
19 ~~dispensing be maintained and stored with the current~~  
20 ~~controlled substance inventory, ordering, and receipt~~



1 ~~records. These records shall be maintained for five~~  
2 ~~years, and~~

3 ~~(5) A clinic practitioner who individually maintains a~~  
4 ~~personal stock of controlled substances does so under~~  
5 ~~the practitioner's individual State and Drug~~  
6 ~~Enforcement Administration registration number. These~~  
7 ~~controlled substances shall be kept separate from~~  
8 ~~clinic stock and cannot be accessed by other~~  
9 ~~practitioners.~~

10 ~~The term "affiliated pharmacy" as used in this section~~  
11 ~~means a licensed pharmacy which supplies and monitors the~~  
12 ~~controlled substances stocked in a registered clinic.~~

13 ~~The term "clinic" as used in this section means an out-~~  
14 ~~patient medical facility owned and operated by a legal entity~~  
15 ~~that employs individual practitioners for the treatment of~~  
16 ~~patients and which may or may not provide after hours emergency~~  
17 ~~or urgent care.~~

18 ~~The term "principal physician" means the practitioner in a~~  
19 ~~clinic whose signature appears on the clinic's State of Hawaii~~  
20 ~~and Drug Enforcement Administration registrations, and who is~~  
21 ~~responsible for the proper maintenance, storage, and record~~



1 ~~keeping of the controlled substances ordered and centrally~~  
2 ~~stocked in the clinic using the clinic Drug Enforcement~~  
3 ~~Administration registration number." ]~~

4 SECTION 21. Section 329-73, Hawaii Revised Statutes, is  
5 repealed.

6 ~~["~~§329-73~~ Pseudoephedrine permit. (a) Beginning~~  
7 ~~January 1, 2006, any person transporting by any means more than~~  
8 ~~three packages of any product the sale of which is restricted by~~  
9 ~~section 329-75 shall obtain a pseudoephedrine permit.~~

10 ~~(b) The requirements imposed by [subsection] (a) shall not~~  
11 ~~apply to persons registered with the department under section~~  
12 ~~329-67. A pseudoephedrine permit shall be issued by the~~  
13 ~~department in a form and manner as prescribed by the department~~  
14 ~~by rule. A pseudoephedrine permit shall be valid for one year~~  
15 ~~and renewable annually." ]~~

16 SECTION 22. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 23. This Act shall take effect on July 1, 2112.



**Report Title:**

Uniform Controlled Substances Act; Electronic Prescriptions;  
Veterinarian

**Description:**

Updates the Uniform Controlled Substances Act to make it consistent with amendments in federal controlled substances law. Clarifies existing definitions to be consistent with federal controlled substance law; and adds new definitions to allow the use of "delegates" by practitioners and pharmacists to access the electronic prescription accountability system. Clarifies that individuals that conduct reverse distribution with controlled substances must register with the Department of Public Safety and follow appropriate controlled substance statutes and rules. Allows for the posting of updates to Hawaii's drug schedules on the department's website. Mandates that the collections of administrative fines be deposited into the controlled substance registration revolving fund to support the program. Deletes the requirement for a pseudoephedrine permit for transporting over 3 packages of pseudoephedrine. Requires that all practitioners, except veterinarians, and pharmacies register to utilize the electronic prescription accountability system when they obtain a controlled substance registration. Authorizes the Department of Public Safety Narcotics Enforcement Division Administrator to allow access to State, county, or federal regulatory agencies to the database when conducting joint regulatory investigations. (SB2915 HD1)

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

