

JAN 20 2017

A BILL FOR AN ACT

RELATING TO THE CONTROLLED SUBSTANCES ACT.

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

1 SECTION 1. Section 329-38, Hawaii Revised Statutes, is
2 amended by amending subsection (f) to read as follows:
3 "(f) The effectiveness of a prescription for the purposes
4 of this section shall be determined as follows:
5 (1) A prescription for a controlled substance shall be
6 issued for a legitimate medical purpose by an
7 individual practitioner acting in the usual course of
8 the practitioner's professional practice. The
9 responsibility for the proper prescribing and
10 dispensing of controlled substances shall be upon the
11 prescribing practitioner, but a corresponding
12 responsibility shall rest with the pharmacist who
13 fills the prescription. An order purporting to be a
14 prescription issued not in the usual course of
15 professional treatment or for legitimate and
16 authorized research shall not be deemed a prescription
17 within the meaning and intent of this section, and the



S.B. NO. 190

1 person who knowingly fills such a purported
2 prescription, as well as the person who issues the
3 prescription, shall be subject to the penalties
4 provided for violations of this chapter;

5 (2) A prescription may not be issued to allow an
6 individual practitioner to obtain controlled
7 substances for supplying the individual practitioner
8 for the purpose of general dispensing to patients;

9 (3) A prescription may not be issued for the dispensing of
10 narcotic drugs listed in any schedule for the purpose
11 of "detoxification treatment" or "maintenance
12 treatment" except as follows:

13 (A) The administering or dispensing directly (but not
14 prescribing) of narcotic drugs listed in any
15 schedule to a narcotic drug-dependent person for
16 "detoxification treatment" or "maintenance
17 treatment" shall be deemed to be "in the course
18 of a practitioner's professional practice or
19 research" so long as the practitioner is
20 registered separately with the department and the
21 federal Drug Enforcement ~~[Agency]~~ Administration



1 as required by section 329-32(e) and complies
2 with [~~Title~~] title 21 [~~Code of Federal~~
3 ~~Regulations~~] United States Code section 823(g)
4 and any other federal or state regulatory
5 standards relating to treatment qualification,
6 security, records, and unsupervised use of drugs;
7 [~~and~~]

8 (B) Nothing in this section shall prohibit a
9 physician or authorized hospital staff from
10 administering or dispensing, but not prescribing,
11 narcotic drugs in a hospital to maintain or
12 detoxify a person as an incidental adjunct to
13 medical or surgical treatment of conditions other
14 than addiction; and

15 (C) An individual practitioner may administer or
16 dispense (including prescribe) any schedule III,
17 IV, or V narcotic drug approved by the United
18 States Food and Drug Administration specifically
19 for use as a "detoxification treatment" or
20 "maintenance treatment" to a narcotic drug-
21 dependent person; provided that the practitioner



S.B. NO. 190

1 complies with the requirements of title 21 United
 2 States Code section 823(g) and title 21 Code of
 3 Federal Regulations section 1301.28;

4 (4) An individual practitioner shall not prescribe or
 5 dispense a substance included in schedule II, III, IV,
 6 or V for that individual practitioner's personal use,
 7 except in a medical emergency; and

8 (5) A pharmacist shall not dispense a substance included
 9 in schedule II, III, IV, or V for the pharmacist's
 10 personal use."

11 SECTION 2. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 3. This Act shall take effect on July 1, 2017..

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INTRODUCED BY: *[Signature]*
Randy H. Baker
SEN. C. Fitch-Allen

S.B. NO. 190

Report Title:

Controlled Substances Act; Prescriptions; Detoxification Treatment; Maintenance Treatment

Description:

Amends Hawaii's controlled substances act to mirror federal regulations, which permit qualified practitioners to administer, dispense, and prescribe any schedule III, IV, or V narcotic drug approved by the Food and Drug Administration for use as a detoxification treatment or maintenance treatment; provided the practitioner complies with specific federal requirements.

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