

SB997

Measure Title: RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.
Report Title: Uniform Controlled Substances Act
Description: Updates chapter 329, Hawaii Revised Statutes, to include emergency scheduling as required under section 329-11 incorporating amendments made to the federal Controlled Substance Act.
Companion: [HB1131](#)
Package: Governor
Current Referral: CPH, JDL
Introducer(s): KOUCHI (Introduced by request of another party)



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TESTIMONY ON SENATE BILL 997
RELATING TO THE CONTROLLED SUBSTANCES ACT

by
Nolan P. Espinda, Director
Department of Public Safety

Senate Committee on Commerce, Consumer Protection, and Health
Senator Rosalyn H. Baker, Chair
Senator Clarence K. Nishihara, Vice Chair

Wednesday, February 8, 2017; 9:00 a.m.
State Capitol, Conference Room 229

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

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 997, which updates chapter 329 of the Hawaii Revised Statutes (HRS) to: 1) incorporate amendments made to the federal Controlled Substances Act, and 2) includes emergency scheduling as required under section 329-11, HRS.

First, chapter 329-11, HRS, provides that if a substance is added, deleted, or rescheduled under federal law, then PSD shall recommend to the Legislature that a corresponding change be made in Hawaii law. The following substances were scheduled by the federal government in 2016:

1. (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide), its isomers, esters, ethers, salts, and salts of isomers, esters and ethers, also known as, "AH-7921." (Schedule I)
2. N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers, also known as, "Butyryl Fentanyl." (Schedule I)

3. N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers, also known as, "Beta-hydroxythiofentanyl." (Schedule I)

4. ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (other names: BRV; UCB-34714; Briviact) (including its salts), also known as "Brivaracetam." (Schedule V)

5. (4-(methoxycarbonyl)-4-(N-phenmethoxyacetamido)-1-[2-(thienyl)ethyl]piperidine), including its isomers, esters, ethers, salts and salts of isomers, esters and ethers as possible, also known as, "Thiafentanyl." (Schedule II)

Second, section 329-11(e), HRS, authorizes the Administrator of PSD's Narcotics Enforcement Division (NED) to make an emergency scheduling by placing a substance into schedules I, II, III, IV or V on a temporary basis if the Administrator determines that such action is necessary to avoid an imminent hazard or the possibility of an imminent hazard to the health and safety of the public. Under section 329-11(e), HRS, PSD is required to post public notice thirty days prior to the effective date of the emergency scheduling action of the controlled substances listed below, at the State Capitol, in the Office of the Lieutenant Governor, and on PSD's website for public inspection. If a substance is added or rescheduled under this subsection, the control shall be temporary. Section 329-11, HRS, also provides that if in the next regular session, the State Legislature has not enacted the corresponding changes in this chapter, the temporary designation of the added or rescheduled substance shall be nullified. Pursuant to section 329-11(e), HRS, the following controlled substances were emergency scheduled in 2016:

1. N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers, also known as "Furanyl Fentanyl." (Schedule I)

2. Methyl -2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3, 3-dimethylbutanoate (other names: 5F-ADB, 5-flouro-ADB and 5F-MDMB-PINACA),

its optical, positional, and geometric isomers, salts and salts of isomers, also known as "5F-ADB." (Schedule I)

3. 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers, also known as "U-47700." (Schedule I).

To avoid such nullification of the controlled substances which were emergency scheduled in 2016, PSD supports the passage of SB 997. Equally importantly, PSD supports SB 997 as it amends chapter 329, HRS, to mirror recent changes to the federal Controlled Substances Act, thereby bringing clarity to the law and eliminating differences and confusion between federal and state law.

Thank you for the opportunity to present this testimony.

TESTIMONY ON SENATE BILL 997
RELATING TO CONTROLLED SUBSTANCE ACT

by
Keith Kamita

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
Senator Rosalyn H. Baker, Chair
Senator Clarence K. Nishihara, Vice Chair

Wednesday, February 8, 2017, 09:00 AM
State Capitol, Conference Room 229

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

I strongly support Senate Bill 997 which is the Department of Public Safety's Narcotics Enforcement Division's vehicle for proposing updates to 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 and deletes definitions no longer utilized under federal law. HRS Section 329-11(d) states that if a substance is added, deleted or rescheduled under Federal law and notice of the designation is given to PSD, then the Department shall recommend that a corresponding change in Hawaii law be made. SB 997 adds new controlled substances to Hawaii's Uniform Controlled Substance Act that was scheduled by the Federal government in 2016.

SB 997 protects the citizens of Hawaii by placing these new opioids and synthetic drugs into their appropriate schedules and therefore allowing State and County law enforcement the ability to investigate and apprehend individuals abusing or trafficking in these new drugs.

Thank you for the opportunity to testify on this important bill.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 5:18 PM
To: CPH Testimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SB997 on Feb 8, 2017 09:00AM*

SB997

Submitted on: 2/2/2017

Testimony for CPH on Feb 8, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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