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DEPT. COMM. NO. 77

STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

No. _____

December 6, 2018

The Honorable Ronald D. Kouchi,
President and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki, Speaker
and Members of the House of
Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, HI 96813

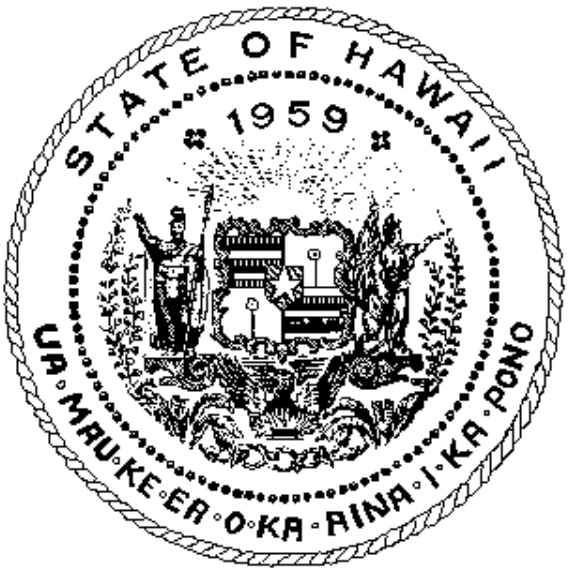
Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the **Annual Report of the Narcotics Enforcment Division, Department of Public Safety**, as required by Section 329-11, Hawaii Revised Statutes. In accordance with Section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at: http://dps.hawaii.gov/publications/reports-to-legislature/2019/NED_2018 Annual_Report.pdf.

Sincerely,

Nolan P. Espinda
Director

Enclosures



DEPARTMENT OF PUBLIC SAFETY
REPORT TO THE 2019 LEGISLATURE

NARCOTICS ENFORCEMENT DIVISION
2018 ANNUAL REPORT

NARCOTICS ENFORCEMENT DIVISION
ANNUAL REPORT TO THE 2019 LEGISLATURE
SECTION 329-11, HAWAII REVISED STATUTES

CHAPTER 329-11 REPORTING REQUIREMENTS

NOTICE OF FEDERAL SCHEDULING ACTIONS:

Chapter 329-11(d) of the Hawaii Revised Statutes states that if a substance is added, deleted or rescheduled under federal law then the Department of Public Safety ("Department") shall recommend to the Legislature that a corresponding change in Hawaii law be made. The following substances were scheduled by the Federal Government in 2018:

On September 28, 2018, The Department of Public Safety was given notice via publication in the Federal Register of a final order[1] that the following approved drug product was placed into Schedule V by the United States Drug Enforcement Administration ("DEA"):

A drug product in finished dosage formulation that has been approved by the U.S. Food and Drug Administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols

In accordance with chapter 329-11(d) of the HRS, the Department of Public Safety has temporarily added the aforementioned drug product listed above into Schedule V in chapter 329-22 (e) of the HRS as of October 29, 2018.

EMERGENCY SCHEDULING ACTIONS

Section 329-11(e), HRS authorizes the NED Administrator 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. The Department shall post a public notice thirty days prior to the effective date of the emergency scheduling action, at the state capitol, in the Office of the Lieutenant Governor, and on the Department's website for public inspection. If a substance is added or rescheduled under this subsection, the control shall be temporary and, if the next regular session of the

[1] The final order was published in volume 83, number 189 of the Federal Register on September 28, 2018.

State Legislature has not enacted the corresponding changes in this chapter, the temporary designation of the added or rescheduled substance shall be nullified.

As of November 30, 2018, the Narcotics Enforcement Division Administrator had not used emergency scheduling authority during 2018.

PROPOSED CHANGES TO THE HAWAII REVISED STATUTES AS THE RESULT OF FEDERAL SCHEDULING ACTION IN 2018 329-11(d):

Chapter 329-22 of the HRS was temporarily amended by the Department in accordance with chapter 329-11 (d), HRS, by adding subsection (e) to read as follows:

(e) Approved cannabidiol drugs. A drug product in finished dosage formulation that has been approved by the U.S. Food and Drug Administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols

Furthermore, in accordance with chapter 329-11 (d), HRS, the Department recommends that the Legislature consider permanent scheduling of the above listed approved cannabidiol drug.