
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 329-22, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§329-22 Schedule V. (a) The controlled substances
4 listed in this section are included in schedule V.

5 (b) Narcotic drugs containing nonnarcotic active medicinal
6 ingredients. Any compound, mixture, or preparation containing
7 limited quantities of any of the following narcotic drugs, which
8 also contains one or more nonnarcotic active medicinal ingredients
9 in sufficient proportion to confer upon the compound, mixture, or
10 preparation, valuable medicinal qualities other than those
11 possessed by the narcotic drug alone:

12 (1) Not more than 200 milligrams of codeine, or any of its
13 salts, per 100 milliliters or per 100 grams;

14 (2) Not more than 100 milligrams of dihydrocodeine, or any
15 of its salts, per 100 milliliters or per 100 grams;

16 (3) Not more than 100 milligrams of ethylmorphine, or any of
17 its salts, per 100 milliliters or per 100 grams;



(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams; and

(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(c) Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers.

(d) Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide], (Vimpat);



(2) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid]; and

(3) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (Other names: BRV; UCB-34714; Briviact) and its salts.

(e) Approved cannabidiol drugs. A drug product in finished dosage formulation that has been approved by the United States 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 per cent (w/w) residual tetrahydrocannabinols."

SECTION 2. Section 329-38, Hawaii Revised Statutes, is amended by amending subsection (i) to read as follows:

"(i) Prescriptions for controlled substances shall be issued only as follows:

(1) All prescriptions for controlled substances shall originate from within the State and be dated as of, and signed on, the day when the prescriptions were issued and shall contain:

(A) The first and last name and address of the patient; and



1 (B) The drug name, strength, dosage form, quantity
2 prescribed, and directions for use. Where a
3 prescription is for gamma hydroxybutyric acid,
4 methadone, or buprenorphine, the practitioner
5 shall record as part of the directions for use,
6 the medical need of the patient for the
7 prescription.

8 Except for electronic prescriptions, controlled
9 substance prescriptions shall be no larger than eight
10 and one-half inches by eleven inches and no smaller
11 than three inches by four inches. A practitioner may
12 sign a prescription in the same manner as the
13 practitioner would sign a check or legal document
14 (e.g., J.H. Smith or John H. Smith) and shall use both
15 words and figures (e.g., alphabetically and
16 numerically as indications of quantity, such as five
17 (5)), to indicate the amount of controlled substance
18 to be dispensed. Where an electronic prescription is
19 permitted, either words or figures (e.g.,
20 alphabetically or numerically as indications of
21 quantity, such as five or (5)), to indicate the amount



1 of controlled substances to be dispensed shall be
2 acceptable. Where an oral order or electronic
3 prescription is not permitted, prescriptions shall be
4 written with ink or indelible pencil or typed, shall
5 be manually signed by the practitioner, and shall
6 include the name, address, telephone number, and
7 registration number of the practitioner. The
8 prescriptions may be prepared by a secretary or agent
9 for the signature of the practitioner, but the
10 prescribing practitioner shall be responsible in case
11 the prescription does not conform in all essential
12 respects to this chapter and any rules adopted
13 pursuant to this chapter. In receiving an oral
14 prescription from a practitioner, a pharmacist shall
15 promptly reduce the oral prescription to writing,
16 which shall include the following information: the
17 drug name, strength, dosage form, quantity prescribed
18 in figures only, and directions for use; the date the
19 oral prescription was received; the full name, Drug
20 Enforcement Administration registration number, and
21 oral code number of the practitioner; and the name and



1 address of the person for whom the controlled
2 substance was prescribed or the name of the owner of
3 the animal for which the controlled substance was
4 prescribed.

5 A corresponding liability shall rest upon a
6 pharmacist who fills a prescription not prepared in
7 the form prescribed by this section. A pharmacist may
8 add a patient's missing address or change a patient's
9 address on all controlled substance prescriptions
10 after verifying the patient's identification and
11 noting the identification number on the back of the
12 prescription document on file. The pharmacist shall
13 not make changes to the patient's name, the controlled
14 substance being prescribed, the quantity of the
15 prescription, the practitioner's Drug Enforcement
16 Administration number, the practitioner's name, the
17 practitioner's electronic signature, or the
18 practitioner's signature;

- 19 (2) An intern, resident, or foreign-trained physician, or
20 a physician on the staff of a Department of Veterans
21 Affairs facility or other facility serving veterans,



1 exempted from registration under this chapter, shall
2 include on all prescriptions issued by the physician:

3 (A) The registration number of the hospital or other
4 institution; and

5 (B) The special internal code number assigned to the
6 physician by the hospital or other institution in
7 lieu of the registration number of the
8 practitioner required by this section.

9 The hospital or other institution shall forward a copy
10 of this special internal code number list to the
11 department as often as necessary to update the
12 department with any additions or deletions. Failure
13 to comply with this paragraph shall result in the
14 suspension of that facility's privilege to fill
15 controlled substance prescriptions at pharmacies
16 outside of the hospital or other institution. Each
17 written prescription shall have the name of the
18 physician stamped, typed, or hand-printed on it, as
19 well as the signature of the physician;

20 (3) An official exempted from registration shall include
21 on all prescriptions issued by the official:



- 1 (A) The official's branch of service or agency (e.g.,
2 "U.S. Army" or "Public Health Service"); and
3 (B) The official's service identification number, in
4 lieu of the registration number of the
5 practitioner required by this section. The
6 service identification number for a Public Health
7 Service employee shall be the employee's social
8 security or other government issued
9 identification number.

10 Each prescription shall have the name of the officer
11 stamped, typed, or handprinted on it, as well as the
12 signature of the officer; and

- 13 (4) A physician assistant registered to prescribe
14 controlled substances under the authorization of a
15 supervising physician shall include on all controlled
16 substance prescriptions issued:

17 (A) The Drug Enforcement Administration registration
18 number of the supervising physician; and

19 (B) The Drug Enforcement Administration registration
20 number of the physician assistant.



1 Each written controlled substance prescription issued
2 shall include the printed, stamped, typed, or hand-
3 printed name, address, and phone number of both the
4 supervising physician and physician assistant, and
5 shall be signed by the physician assistant. The
6 medical record of each written controlled substance
7 prescription issued by a physician assistant shall be
8 reviewed and initialed by the physician assistant's
9 supervising physician within seven working days."

10 SECTION 3. Section 329-122, Hawaii Revised Statutes, is
11 amended by amending subsection (f) to read as follows:

12 "(f) For the purposes of this section, "transport" means
13 the transportation of cannabis, usable cannabis, or any
14 manufactured cannabis product between:

- 15 (1) A qualifying patient and the qualifying patient's
16 primary caregiver;
17 (2) A qualifying out-of-state patient under eighteen years
18 of age and the caregiver of a qualifying out-of-state
19 patient;
20 (3) The production centers and the retail dispensing
21 locations under a dispensary licensee's license; or



1 (4) A production center, retail dispensing location,
2 qualifying patient, primary caregiver, qualifying out-
3 of-state patient, or caregiver of a qualifying out-of-
4 state patient and a certified laboratory for the
5 purpose of laboratory testing; provided that a
6 qualifying patient, primary caregiver, qualifying out-
7 of-state patient, or caregiver of a qualifying out-of-
8 state patient may only transport up to one gram of
9 cannabis per test to a certified laboratory for
10 laboratory testing and may only transport the product
11 if the qualifying patient, primary caregiver,
12 qualifying out-of-state patient, or caregiver of a
13 qualifying out-of-state patient:

14 (A) Secures an appointment for testing at a certified
15 laboratory;

16 (B) Obtains confirmation, which may be electronic,
17 that includes the specific time and date of the
18 appointment and a detailed description of the
19 product and amount to be transported to the
20 certified laboratory for the appointment; and



1 (C) Has the confirmation, which may be electronic,
2 available during transport.

3 For purposes of interisland transportation, "transport" of
4 cannabis, usable cannabis, or any manufactured cannabis product,
5 by any means is allowable only by a qualifying patient or
6 qualifying out-of-state patient for the patient's personal
7 medical use, or between a production center or retail dispensing
8 location and a certified laboratory for the sole purpose of
9 laboratory testing pursuant to section 329D-8, as permitted
10 under section 329D-6(m) and subject to section 329D-6(j), and
11 with the understanding that state law and its protections do not
12 apply outside of the jurisdictional limits of the State.

13 ~~[Allowable transport pursuant to this section does not include~~
14 ~~interisland transportation by any means or for any purpose~~
15 ~~between a qualified patient, primary caregiver, qualifying out-~~
16 ~~of state patient, or caregiver of a qualifying out-of-state~~
17 ~~patient and any other entity or individual, including an~~
18 ~~individual who is a qualified patient, primary caregiver,~~
19 ~~qualifying out-of-state patient, or caregiver of a qualifying~~
20 ~~out-of-state patient.]~~ The department of transportation and



1 department of public safety shall adopt rules pursuant to
2 chapter 91 necessary for the purposes of this subsection."

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Uniform Controlled Substances Act; Medical Cannabis; Interisland Transportation

Description:

Updates the Uniform Controlled Substances Act to make it consistent with amendments in federal controlled substances law as required under the authority to schedule controlled substances. Authorizes qualifying patients or qualifying out-of-state patients to transport medical cannabis between islands for their personal medical use. (SD2)

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