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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 329-22, 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;



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

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

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

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

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

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



- 1 (2) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic  
2 acid]; and
- 3 (3) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-  
4 yl]butanamide) (Other names: BRV; UCB-34714; Briviact)  
5 and its salts.

6 (e) Approved cannabidiol drugs. A drug product in  
7 finished dosage formulation that has been approved by the United  
8 States Food and Drug Administration that contains cannabidiol  
9 (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-  
10 pentyl-1,3-benzenediol) derived from cannabis and no more than  
11 0.1 per cent (w/w) residual tetrahydrocannabinols."

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

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

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

20 (A) The first and last name and address of the  
21 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 substance 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.   New statutory material is underscored.

11          SECTION 4.   This Act shall take effect upon its approval.



**Report Title:**

Uniform Controlled Substances Act; Electronic Prescription;  
Schedule V

**Description:**

Updates section 329-38(i), Hawaii Revised Statutes, to be consistent with federal law under Title 21 of the Code of Federal Regulations to allow for the use of either words or figures to indicate quantity where electronic prescriptions are permitted. Updates section 329-22, Hawaii Revised Statutes, to conform Hawaii law with recent changes to the federal controlled substances law. (SD1)

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

