

DAVID Y. IGE
GOVERNOR



DEPT. COMM. NO. 100

NOLAN P. ESPINDA
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

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

No. _____

December 12, 2019

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

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

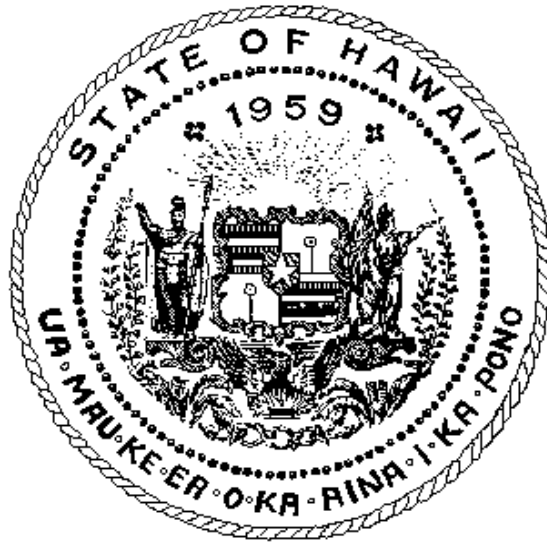
Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Narcotics Enforcement Division 2019 Annual Report, 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: [https://dps.hawaii.gov/wp-content/uploads/2019/12/Narcotics Enforcement Division 2019 Annual Report.pdf](https://dps.hawaii.gov/wp-content/uploads/2019/12/Narcotics%20Enforcement%20Division%202019%20Annual%20Report.pdf).

Sincerely,

Nolan P. Espinda
Director

Enclosures



**DEPARTMENT OF PUBLIC SAFETY
REPORT TO THE 2020 LEGISLATURE**

**NARCOTICS ENFORCEMENT DIVISION
2019 ANNUAL REPORT**

December 2019

NARCOTICS ENFORCEMENT DIVISION
ANNUAL REPORT TO THE 2020 LEGISLATURE

SECTION 329-11, HRS, REPORTING REQUIREMENTS

NOTICE OF FEDERAL SCHEDULING ACTIONS:

Section 329-11(d), Hawaii Revised Statutes (HRS), states that if a substance is added, deleted or rescheduled under federal law then the Department of Public Safety (PSD) shall recommend to the Legislature that a corresponding change in Hawaii law be made. The below substances were scheduled by the federal government in 2019.

On November 29, 2018, the Department of Public Safety was given notice via publication in the Federal Register of a final order¹ that the following substances were placed into Schedule I by the United States Drug Enforcement Administration:

4-fluoroisobutyryl fentanyl or para-fluoroisobutyryl fentanyl [N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide]

Acryl fentanyl or acryloylfentanyl [N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide]

Ocfentanil [N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide]

PSD temporarily added, effective September 21, 2019, the aforementioned controlled substances into Schedule I in chapter 329-14 (b) of the HRS. This temporary addition imposed the regulatory controls and the administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, dispense, import, export, engage in research, conduct instructional activities with, or possess) or propose to handle the controlled substances listed in this notice in the State of Hawaii.

EMERGENCY SCHEDULING ACTIONS

Section 329-11(e), HRS, authorizes the Narcotics Enforcement Division 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

¹ The final order was published in volume 83, number 230 of the Federal Register on November 29, 2018.

imminent hazard to the health and safety of the public. PSD 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 PSD'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 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 December 2, 2019, the Narcotics Enforcement Division Administrator had not used emergency scheduling authority during 2019.

PROPOSED CHANGES TO THE HAWAII REVISED STATUTES AS THE RESULT OF FEDERAL SCHEDULING ACTION UNDER CHAPTER 329-11(d), HRS:

In accordance with section 329-11 (d), HRS, PSD recommends that the Legislature consider permanent scheduling of the above listed opiate controlled substances by amending chapter 329-14, HRS, to read as follows:

- (b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:
- (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidiny]-N-phenylacetamide);
 - (2) Acetylmethadol;
 - (3) Allylprodine;
 - (4) Alphacetylmethadol (except levo-alphacetylmethadol, levomethadyl acetate, or LAAM);
 - (5) Alphameprodine;
 - (6) Alphamethadol;
 - (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
 - (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide);
 - (9) Benzethidine;

- (10) Betacetylmethadol;
- (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
- (12) Beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);
- (13) Betameprodine;
- (14) Betamethadol;
- (15) Betaprodine;
- (16) Clonitazene;
- (17) Dextromoramide;
- (18) Diampromide;
- (19) Diethylthiambutene;
- (20) Difenoxin;
- (21) Dimenoxadol;
- (22) Dimepheptanol;
- (23) Dimethylthiambutene;
- (24) Dioxaphetyl butyrate;
- (25) Dipipanone;
- (26) Ethylmethylthiambutene;
- (27) Etonitazene;
- (28) Etoxidine;
- (29) Furethidine;
- (30) Hydroxypethidine;
- (31) Ketobemidone;

- (32) Levomoramide;
- (33) Levophenacymorphan;
- (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
- (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide);
- (36) Morpheridine;
- (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- (38) Noracymethadol;
- (39) Norlevorphanol;
- (40) Normethadone;
- (41) Norpipanone;
- (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidyl] propanamide);
- (43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- (44) Phenadoxone;
- (45) Phenampromide;
- (46) Phenomorphan;
- (47) Phenoperidine;
- (48) Piritramide;
- (49) Proheptazine;
- (50) Properidine;
- (51) Propiram;
- (52) Racemoramide;

- (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
- (54) Tilidine;
- (55) Trimeperidine;
- (56) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (buprenorphine), its optical isomers, salts, and salts of isomers;
- (57) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thienylfentanyl), its optical isomers, salts, and salts of isomers;
- (58) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, (acetylfentanyl), its optical, positional, and geometric isomers, salts, and salts of isomers;
- (59) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;
- (60) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: Butyryl fentanyl);
- (61) 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 (Other names: beta-hydroxythiofentanyl);
- (62) N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: Furanyl fentanyl); and
- (63) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: U-47700).
- (64) 4-fluoroisobutyryl fentanyl or para-fluoroisobutyryl fentanyl [N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide]

- (65) Acryl fentanyl or acryloylfentanyl [N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide]
- (66) Ocfentanil [N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide]