

DAVID Y. IGE
GOVERNOR



DEPT. COMM. NO. 110

MAX N. OTANI
DIRECTOR

Teresita V. Fernandez
Acting Deputy Director
Administration

Tommy Johnson
Deputy Director
Corrections

Robin M. Nagamine
Acting Deputy Director
Law Enforcement

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF PUBLIC SAFETY
KA 'OIHANA HO'OPALEKANA LEHULEHU
1177 Alakea Street
Honolulu, Hawaii 96813

No. _____

November 29, 2022

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

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

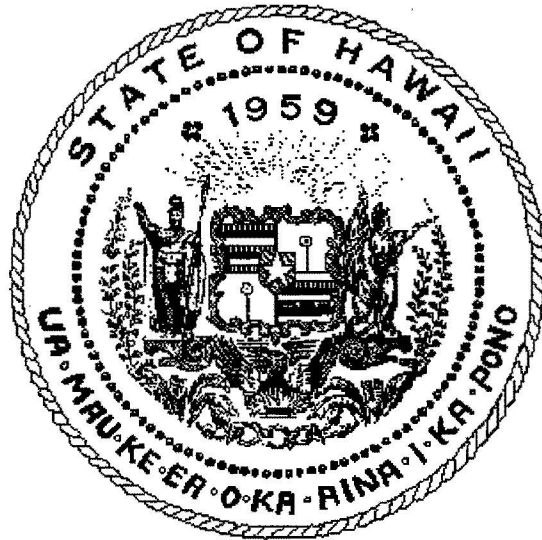
Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the **Narcotics Enforcement Division 2022 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:
<http://dps.hawaii.gov/publications/reports-to-legislature/>.

Sincerely,

Max N. Otani
Director

Enclosure



**DEPARTMENT OF PUBLIC SAFETY
REPORT TO THE 2023 LEGISLATURE**

**NARCOTICS ENFORCEMENT DIVISION
2022 ANNUAL REPORT**

December 2022

NARCOTICS ENFORCEMENT DIVISION
ANNUAL REPORT TO THE 2023 LEGISLATURE
SECTION 329-11, HRS, REPORTING REQUIREMENTS

NOTICE OF FEDERAL SCHEDULING ACTIONS

Chapter 329-11(d) of the Hawaii Revised Statutes (“HRS”) requires that if a substance is added, deleted, or rescheduled under federal law, and notice of the designation is given to the Department of Public Safety, then the Department of Public Safety shall recommend to the Legislature that a corresponding change(s) be made to Hawaii law.

Similarly, the Department of Public Safety shall designate the substance as added, deleted, or rescheduled under this chapter, following the thirty days’ expiration of publication in the Federal Register of a final order, which shall have the effect of federal law. If a substance is added, deleted, or rescheduled under this subsection, the control shall be temporary and, unless the Legislature, in its next regular session, makes the corresponding changes to this chapter of the HRS, the temporary designation of the added, deleted, or rescheduled substance shall be nullified.

The Department of Public Safety was given notice via publication in the Federal Register of a final order, or interim final order, that the following substances were placed into the federal controlled substances schedules by the United States Drug Enforcement Administration (“DEA”):

Schedule I 329-14(b) (Opiates)

1. 2-(ethylamino)-2- (3-methoxyphenyl)cyclohexan-1-one (methoxetamine, MXE), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation. (June 6, 2022 Federal Register Volume 87, Number 108)

329-14(e)

2. N-ethylhexedrone (other names: aethylaminohexanophenone, 2-(ethylamino)-1-phenylhexan-1-one);
3. alpha-pyrrolidinohexanophenone (other names: a-PHP, apyrrolidinohexanophenone, 1-phenyl-2- (pyrrolidin-1-yl)hexan-1-one);
4. 4-methyl-alphaethylaminopentiophenone (other names: 4-MEAP, 2-(ethylamino)-1-(4- methylphenyl)pentan-1-one);

5. 4'-methyl-alpha-pyrrolidinohexiophenone (other names: MPHP, 4'-methyl-alpha-pyrrolidinohexanophenone, 1-(4- methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one);
6. alpha-pyrrolidinoheptaphenone (other names: PV8, 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one); and
7. 4'-chloro-alpha-pyrrolidinovalerophenone (other names: 4-chloro-a-PVP, 4'-chloro-alpha-pyrrolidinopentiophenone, 1-(4- chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one)

including their optical, positional, and geometric isomers, salts, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation. (June 1, 2022 Federal Register Volume 87, Number 105)

329-14(f) Stimulants

1. Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (other name: 5FEDMB-PINACA);
2. Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (other names: 5FMDMB-PICA; 5F-MDMB-2201);
3. N-(Adamantan-1-yl)-1-(4- fluorobenzyl)-1H-indazole-3- carboxamide (other names: FUB-AKB48; FUB-APINACA; AKB48 N-(4- fluorobenzyl));
4. 1-(5-Fluoropentyl)-N-(2- phenylpropan-2-yl)-1H-indazole-3- carboxamide (other names: 5F-CUMYLPINACA; SGT-25); and
5. (1-(4-Fluorobenzyl)-1H-indol-3- yl)(2,2,3,3-tetramethylcyclopropyl)methanone (other name: FUB-144)

including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation. (April 7, 2022 Federal Register Volume 87, Number 67)

Schedule IV 329-20(d)

1. serdexmethylphenidate, including its salts, isomers, and salts of isomers. (June 24, 2022 Federal Register Volume 87, Number 121)

2. daridorexant and its salts. (April 7, 2022 Federal Register Volume 87, Number 67)

Schedule V 329-22(d)

1. ganaxolone and its salts. (June 1, 2022 Federal Register Volume 87, Number 105)

The following federal scheduling actions impose the regulatory controls and the administrative, civil, and criminal sanctions applicable to schedules I, IV, and V 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 drug products listed in this notice. The DEA placed effective dates as listed above for these scheduling actions.

In accordance with chapter 329-11(d) of the HRS, the Department of Public Safety has temporarily added the aforementioned substances listed in this notice into Schedules I, IV, and V in chapters 329-14, -20, and -22 of the HRS. This temporary addition imposes the regulatory controls and the administrative, civil, and criminal sanctions applicable to schedule I, IV and V 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 aforementioned substances listed in this notice in the State of Hawaii.

EMERGENCY CONTROLLED SUBSTANCE SCHEDULING ACTION

Section 329-11(e) of the Hawaii Revised Statutes authorizes the Administrator of the Department of Public Safety, Narcotics Enforcement Division (NED), to make an emergency scheduling by placing a substance into schedules I, II, 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 State Legislature has not enacted the corresponding changes in this chapter, the temporary designation of the added or rescheduled substance shall be nullified.

In 2022, the Narcotics Enforcement Administrator did not order any emergency scheduling actions.

RECOMMENDED CHANGES TO STATUTE:

In accordance with sections 329-11 (d) of the HRS, the Department of Public Safety is recommending the following changes to state law in order to avoid the nullification of the temporary changes that have been made:

SECTION 1. Section 329-14, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) 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) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide), its optical, positional, and geometric isomers, salts, and salts of isomers;
- (4) Acryl fentanyl [N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide] (Other name: acryloylfentanyl);
- (5) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide);
- (6) Allylprodine;

- (7) Alphacetylmethadol (except levo-alphacetylmethadol, levomethadyl acetate, or LAAM);
- (8) Alphameprodine;
- (9) Alphamethadol;
- (10) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine);
- (11) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide);
- (12) Benzethidine;
- (13) Benzylfentanyl (N-[1-benzyl-4-piperidyl]-N-phenylpropanamide), its optical isomers, salts, and salts of isomers;
- (14) Betacetylmethadol;
- (15) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidiny]-N-phenylpropanamide);
- (16) Beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny]-N-phenylpropanamide);
- (17) Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide);
- (18) Betameprodine;
- (19) Betamethadol;
- (20) Beta-methyl fentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide) (Other name: [beta]-methyl fentanyl);

- (21) Beta'-phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide) (Other names: [beta]'-phenyl fentanyl; 3-phenylpropanoyl fentanyl);
- (22) Betaprodine;
- (23) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide);
- (24) Clonitazene;
- (25) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
- (26) Dextromoramide;
- (27) Diampromide;
- (28) Diethylthiambutene;
- (29) Difenoxy;
- (30) Dimenoxadol;
- (31) Dimepheptanol;
- (32) Dimethylthiambutene;
- (33) Dioxaphetyl butyrate;
- (34) Dipipanone;
- (35) Ethylmethylthiambutene;
- (36) Etonitazene;
- (37) Etoxidine;
- (38) Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate);

- (39) 4-fluoroisobutyryl fentanyl [N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide] (Other name: para-fluoroisobutyryl fentanyl);
- (40) 2'-fluoro ortho-fluorofentanyl (N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide) (Other name: 2'-fluoro 2-fluorofentanyl);
- (41) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);
- (42) Furethidine;
- (43) Hydroxypethidine;
- (44) Ketobemidone;
- (45) Levomoramide;
- (46) Levophenacylmorphan;
- (47) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
- (48) 4'-methyl acetyl fentanyl (N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide);
- (49) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
- (50) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (51) Morpheridine;
- (52) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

- (53) Noracymethadol;
- (54) Norlevorphanol;
- (55) Normethadone;
- (56) Norpipanone;
- (57) Ocfentanil [N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide];
- (58) Ortho-fluoroacryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide);
- (59) Ortho-fluorobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide) (Other name: 2-fluorobutyryl fentanyl);
- (60) Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide) (Other name: 2-fluorofentanyl);
- (61) Ortho-fluoroisobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
- (62) Ortho-methyl acetylfentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide) (Other name: 2-methyl acetylfentanyl);
- (63) Ortho-methyl methoxyacetyl fentanyl (2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide) (Other name: 2-methyl methoxyacetyl fentanyl);
- (64) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);

- (65) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidiny] propanamide);
- (66) Para-fluoro furanyl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
- (67) Para-methylfentanyl (N-(4-methylphenyl)-N(1-phenethylpiperidin-4-yl)propionamide) (Other name: 4-methylfentanyl);
- (68) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- (69) Phenadoxone;
- (70) Phenampromide;
- (71) Phenomorphan;
- (72) Phenoperidine;
- (73) Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide) (Other name: benzoyl fentanyl);
- (74) Piritramide;
- (75) Proheptazine;
- (76) Properidine;
- (77) Propiram;
- (78) Racemoramide;
- (79) Thenyfentanyl (N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide), its optical isomers, salts, and salts of isomers;
- (80) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide);

- (81) Thiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide) (Other names: 2-thiofuranyl fentanyl; thiophene fentanyl);
- (82) Tilidine;
- (83) Trimeperidine; [and]
- (84) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)[-]; and
- (85) 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one(methoxetamine, MXE), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation."

2. By amending subsection (e) to read as follows:

"(e) Depressants. Unless specifically excepted, the schedule shall include any material, compound, mixture, or preparation which contains any quantity of the substance:

- (1) Mecloqualone;
- (2) Methaqualone;
- (3) Etizolam (including its optical, positional, and geometric isomers, salts, and salts of isomers, where possible); [or]
- (4) Flualprazolam (including its optical, positional, and geometric isomers, salts, and salts of isomers, where possible)[-];
- (5) N-ethylhexedrone (Other names: aethylaminohexanophenone, 2-(ethylamino)-1-phenylhexan-s1-one);

- (6) alpha-pyrrolidinohexanophenone (Other names: a-PHP, apyrrolidinohexanophenone, 1-phenyl-2-(pyrrolidine-1-yl)hexan-1-one);
- (7) 4-methyl-alphaethylaminopentiophenone (Other names: 4-MEAP, 2-(ethylamino)-1-(4-methylphyl)pentan-1-one);
- (8) 4'-methyl-alphapyrrolidinohexiophenone (Other names: MPHP, 4'-methyl-alphapyrrolidinohexanophenone, 1-(4-methylphenyl)-2-(pyrrolidine-1-yl)hexan-1-one);
- (9) Alpha-pyrrolidinoheptaphenone (Other names: PV8, 1-phenyl-2-(pyrrolidine-1-yl)heptan-1-one); and
- (10) 4'chloro-alphapyrrolidinovalerophenone (Other names: 4-chloro-a-PVP, 4'-chloro-apyrrolidinopentiophenone, 1-(4-chlorophenyl)-2-(pyrrolidine-1-yl)pentan-1-one) including their optical, positional, and geometric isomers, salts, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation."

3. By amending subsection (f) to read as follows:

"(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation [~~which~~] 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:

- (1) Aminorex;
- (2) Cathinone;

- (3) 4,4'-dimethylaminorex (common name: 4,4'-DMAR);
- (4) Fenethylamine;
- (5) Methcathinone;
- (6) 4-methylaminorex;
- (7) N-ethylamphetamine;
- (8) N,N-dimethylamphetamine;
- (9) Substituted cathinones, any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:
 - (A) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
 - (B) By substitution at the 3-position with an acyclic alkyl substituent; or
 - (C) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

Some other trade names: Mephedrone (2-methylamino-1-p-tolylpropan-1-one), also known as 4-methylmethcathinone (4-MMC), methylephedrone or MMCAT; Methylenedioxypropylone

(MDPV, MDPK); methylone or 3,4-methylenedioxyamphetaminone;
 and 1-(benzo[d][1,3]dioxol-5-yl)-2-(ethylamino)propan-1-one,
 monohydrochloride, also known as Ethylone, bk-MDEA
 hydrochloride, MDEC; 3,4-Methylenedioxy-N-ethylcathinone; bk-
 Methylenedioxyethylamphetamine, 4-methyl-N-ethylcathinone (4-
 MEC); 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP); alpha-
 pyrrolidinopentiophenone ([alpha]-PVP); 1-(1,3-benzodioxol-5-yl)-2-
 (methylamino)butan-1-one (butylone, bk-MBDB e); 2-
 (methylamino)-1-phenylpentan-1-one (pentedrone); 1-(1,3-
 benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone, bk-
 MBDP); 4-fluoro-N-methylcathinone (4-FMC, flephedrone); 3-fluoro-
 N-methylcathinone (3-FMC); 1-(naphthalen-2-yl)-2-(pyrrolidin-1-
 yl)pentan-1-one (naphyrone); alpha-pyrrolidinobutiophenone
 ([alpha]-PBP) and their optical, positional, and geometric isomers,
 salts and salts of isomers, whenever the existence of such salts,
 isomers, and salts of isomers is possible; and

(10) 1-(4-methoxyphenyl)-N-methylpropan-2-amine (Other names: para-
 methoxymethamphetamine; PMMA)[-];

(11) Ethyl 2-(1-(5-fluoropentyl)-1Hindazole-3-carboxamido)-3,3-
demethylbutanoate (Other name: 5FEDMB-PINACA);

(12) Methyl 2-(1-(5-fluoropentyl)-1Hindole-3-carboxamido)-3,3-
dimethylbutanoate (Other names: 5FMDMB-PICA; 5F-MDMB-
2201);

(13) N-(Adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide

(Other names: FUB-AKB48; FUB-APINACA; AKB48 N-(4-fluorobenzyl));

(14) 1-(5-Fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-

carboxamide (Other names: 5F-CUMYLPINACA; SGT-25); and

(15) (1-(4-Fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-

tetramethylcyclopropyl)methanone (Other name: FUB-144)

including their salts, isomers, and salts of isomers whenever the

existence of such salts, isomers, and salts of isomers is possible

within the specific chemical designation."

SECTION 2. Section 329-20, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) Stimulants. Unless listed in another schedule, any material, compound, mixture, or preparation [~~which~~] 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 whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Cathine ((+)-norpseudoephedrine);

(2) Diethylpropion;

(3) Fencamfamin;

(4) Fenproporex;

(5) Lorcaserin;

(6) Mazindol;

- (7) Mefenorex;
- (8) Modafinil;
- (9) Pemoline (including organometallic complexes and chelates thereof);
- (10) Phentermine;
- (11) Pipradrol;
- (12) Serdexmethylphenidate;
- (13) Sibutramine;
- (14) Solriamfetol; [~~and~~]
- (15) SPA (1-dimethylamino-1,2-dephenylethane, lefetamine)[-];
- (16) Serdexmethylphenidate, including its salts, isomers, and salts of isomers;
and
(17) Daridorexant and its salts."

SECTION 3. Section 329-22, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation [~~which~~] 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) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide)
(Other names: BRV; UCB-34714; Briviact) and its salts;
- (2) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide],
(Vimpat);

(3) Lasmiditan (2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl-benzamide); [~~and~~]

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

(5) Ganaxolone and its salts."

The Department of Public Safety has drafted legislative proposals for inclusion in the Governor's Administration Package of Bills to be introduced in the 32nd Legislature, Regular Session of 2023. Your consideration and support for these important changes to Chapter 329, Hawaii Revised Statutes, will be greatly appreciated.

