
A BILL FOR AN ACT

RELATING TO LICENSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 329-33, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The department [~~of law enforcement~~] shall register an
4 applicant to manufacture, dispense, prescribe, distribute, or
5 conduct reverse distribution with controlled substances included
6 in sections 329-14, 329-16, 329-18, 329-20, and 329-22 unless
7 [~~it~~] the department determines that the issuance of that
8 registration would be inconsistent with the public interest. In
9 determining the public interest, the department [~~of law~~
10 ~~enforcement~~] shall consider the following factors:

11 (1) Maintenance of effective controls against diversion of
12 controlled substances into other than legitimate
13 medical, scientific, or industrial channels;

14 (2) Compliance with applicable state and local [~~law~~]
15 laws;

16 (3) Any convictions of the applicant under any federal and
17 state laws relating to any controlled substance;



- 1 (4) Past experience in the manufacture or distribution of
2 controlled substances, and the existence in the
3 applicant's establishment of effective controls
4 against diversion;
- 5 (5) Furnishing by the applicant of false or fraudulent
6 material in any application filed under this chapter;
- 7 (6) Suspension, revocation, or surrender of the
8 applicant's federal registration to manufacture,
9 distribute, prescribe, or dispense controlled
10 substances as authorized by federal law; and
- 11 (7) Any other factor relevant to and consistent with the
12 public health and safety[-], including but not limited
13 to the prevention of activities within the applicant's
14 premises and adjacent areas that are potentially
15 injurious to the health, safety, and welfare of the
16 public and neighborhood."

17 SECTION 2. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.



H.B. NO. 2064

Report Title:

Controlled Substances Registration; Public Interest Factors;
Licensing

Description:

Includes the prevention of activities within an applicant's premises and adjacent areas that are potentially injurious to the health, safety, and welfare of the public and neighborhood as a factor for determining whether a controlled substances registration is in the public interest.

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