

JAN 25 2023

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 329-14, Hawaii Revised Statutes, is
2 amended as follows:

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

4 "(b) Any of the following opiates, including their
5 isomers, esters, ethers, salts, and salts of isomers, esters,
6 and ethers, unless specifically excepted, whenever the existence
7 of these isomers, esters, ethers, and salts is possible within
8 the specific chemical designation:

- 9 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-
10 phenethyl)-4-piperidinyl]-N-phenylacetamide);
11 (2) Acetylmethadol;
12 (3) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
13 phenylacetamide), its optical, positional, and
14 geometric isomers, salts, and salts of isomers;
15 (4) Acryl fentanyl [N-(1-phenethylpiperidin-4-yl)-N-
16 phenylacrylamide] (Other name: acryloylfentanyl);
17 (5) AH-7921 (3,4-dichloro-N-[(1-
18 dimethylamino)cyclohexylmethyl]benzamide);

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- 1 (6) Allylprodine;
- 2 (7) Alphacetylmethadol (except levo-alphacetylmethadol,
3 levomethadyl acetate, or LAAM);
- 4 (8) Alphameprodine;
- 5 (9) Alphamethadol;
- 6 (10) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-
7 phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-
8 2-phenylethyl)-4-(N-propanilido)piperidine);
- 9 (11) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
10 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- 11 (12) Benzethidine;
- 12 (13) Benzylfentanyl (N-[1-benzyl-4-piperidyl]-N-
13 phenylpropanamide), its optical isomers, salts, and
14 salts of isomers;
- 15 (14) Betacetylmethadol;
- 16 (15) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
17 piperidinyl]-N-phenylpropanamide);
- 18 (16) Beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-
19 phenethyl)-3-methyl-4-piperidinyl]-N-
20 phenylpropanamide);
- 21 (17) Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-
22 2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide);

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- 1 (18) Betameprodine;
- 2 (19) Betamethadol;
- 3 (20) Beta-methyl fentanyl (N-phenyl-N-(1-(2-
- 4 phenylpropyl)piperidin-4-yl)propionamide) (Other name:
- 5 [beta]-methyl fentanyl);
- 6 (21) Beta'-phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-
- 7 N,3-diphenylpropanamide) (Other names: [beta]'-phenyl
- 8 fentanyl; 3-phenylpropanoyl fentanyl);
- 9 (22) Betaprodine;
- 10 (23) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
- 11 phenylbutyramide);
- 12 (24) Clonitazene;
- 13 (25) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
- 14 phenylcyclopropanecarboxamide);
- 15 (26) Dextromoramide;
- 16 (27) Diampromide;
- 17 (28) Diethylthiambutene;
- 18 (29) Difenoquin;
- 19 (30) Dimenoxadol;
- 20 (31) Dimepheptanol;
- 21 (32) Dimethylthiambutene;
- 22 (33) Dioxaphetyl butyrate;

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- 1 (34) Dipipanone;
- 2 (35) Ethylmethylthiambutene;
- 3 (36) Etonitazene;
- 4 (37) Etoxeridine;
- 5 (38) Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-
- 6 yl) (phenyl) carbamate);
- 7 (39) 4-fluoroisobutyryl fentanyl [N-(4-fluorophenyl)-N-(1-
- 8 phenethylpiperidin-4-yl)isobutyramide] (Other name:
- 9 para-fluoroisobutyryl fentanyl);
- 10 (40) 2'-fluoro ortho-fluorofentanyl (N-(1-(2-
- 11 fluorophenethyl)piperidin-4-yl)-N-(2-
- 12 fluorophenyl)propionamide) (Other name: 2'-fluoro 2-
- 13 fluorofentanyl);
- 14 (41) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
- 15 phenylfuran-2-carboxamide);
- 16 (42) Furethidine;
- 17 (43) Hydroxypethidine;
- 18 (44) Ketobemidone;
- 19 (45) Levomoramide;
- 20 (46) Levophenacylmorphan;
- 21 (47) Methoxyacetyl fentanyl (2-methoxy-N-(1-
- 22 phenethylpiperidin-4-yl)-N-phenylacetamide);

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- 1 (48) 4'-methyl acetyl fentanyl (N-(1-(4-
2 methylphenethyl)piperidin-4-yl)-N-phenylacetamide);
- 3 (49) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
4 piperidyl]-N-phenylpropanamide);
- 5 (50) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-
6 4-piperidinyl]-N-phenylpropanamide);
- 7 (51) Morpheridine;
- 8 (52) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 9 (53) Noracymethadol;
- 10 (54) Norlevorphanol;
- 11 (55) Normethadone;
- 12 (56) Norpipanone;
- 13 (57) Ocfentanil [N-(2-fluorophenyl)-2-methoxy-N-(1-
14 phenethylpiperidin-4-yl)acetamide];
- 15 (58) Ortho-fluoroacryl fentanyl (N-(2-fluorophenyl)-N-(1-
16 phenethylpiperidin-4-yl)acrylamide);
- 17 (59) Ortho-fluorobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-
18 phenethylpiperidin-4-yl)butyramide) (Other name: 2-
19 fluorobutyryl fentanyl);
- 20 (60) Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-
21 phenethylpiperidin-4-yl)propionamide) (Other name: 2-
22 fluorofentanyl);

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- 1 (61) Ortho-fluoroisobutyryl fentanyl (N-(2-fluorophenyl)-N-
2 (1-phenethylpiperidin-4-yl)isobutyramide);
- 3 (62) Ortho-methyl acetylfentanyl (N-(2-methylphenyl)-N-(1-
4 phenethylpiperidin-4-yl)acetamide) (Other name: 2-
5 methyl acetylfentanyl);
- 6 (63) Ortho-methyl methoxyacetyl fentanyl (2-methoxy-N-(2-
7 methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide)
8 (Other name: 2-methyl methoxyacetyl fentanyl);
- 9 (64) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-
10 phenethylpiperidin-4-yl)butyramide);
- 11 (65) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
12 phenethyl)-4-piperidinyl] propanamide;
- 13 (66) Para-fluoro furanyl fentanyl (N-(4-fluorophenyl)-N-(1-
14 phenethylpiperidin-4-yl)furan-2-carboxamide);
- 15 (67) Para-methylfentanyl (N-(4-methylphenyl)-N(1-
16 phenethylpiperidin-4-yl)propionamide) (Other name: 4-
17 methylfentanyl);
- 18 (68) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 19 (69) Phenadoxone;
- 20 (70) Phenampromide;
- 21 (71) Phenomorphan;
- 22 (72) Phenoperidine;

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- 1 (73) Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
2 phenylbenzamide) (Other name: benzoyl fentanyl);
- 3 (74) Piritramide;
- 4 (75) Proheptazine;
- 5 (76) Properidine;
- 6 (77) Propiram;
- 7 (78) Racemoramide;
- 8 (79) Thenylfentanyl (N-[1-(2-thienyl)methyl-4-piperidyl]-N-
9 phenylpropanamide), its optical isomers, salts, and
10 salts of isomers;
- 11 (80) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
12 piperidinyl]-propanamide);
- 13 (81) Thiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
14 phenylthiophene-2-carboxamide) (Other names: 2-
15 thiofuranyl fentanyl; thiophene fentanyl);
- 16 (82) Tilidine;
- 17 (83) Trimeperidine; [~~and~~]
- 18 (84) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-
19 N-methylbenzamide) [~~-~~]; and
- 20 (85) 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-
21 one(methoxetamine, MXE), including its salts, isomers,
22 and salts of isomers whenever the existence of such

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1 salts, isomers, and salts of isomers is possible
2 within the specific chemical designation."

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

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

7 (1) Mecloqualone;

8 (2) Methaqualone;

9 (3) Etizolam (including its optical, positional, and
10 geometric isomers, salts, and salts of isomers, where
11 possible); [~~or~~]

12 (4) Flualprazolam (including its optical, positional, and
13 geometric isomers, salts, and salts of isomers, where
14 possible) [~~-~~];

15 (5) N-ethylhexedrone (Other names:

16 aethylaminohexanophenone, 2-(ethylamino)-1-

17 phenylhexan-1-one);

18 (6) alpha-pyrrolidinohexanophenone (Other names: a-PHP,

19 apyrrolidinohexanophenone, 1-phenyl-2-(pyrrolidine-1-
20 yl)hexan-1-one);

21 (7) 4-methyl-alphaethylaminopentiophenone (Other names:

22 4-MEAP, 2-(ethylamino)-1-(4-methylphyl)pentan-1-one);

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- 1 (8) 4'-methyl-alpha-pyrrolidinohexiophenone (Other names:
2 MPHP, 4'-methyl-alpha-pyrrolidinohexanophenone, 1-(4-
3 methylphenyl)-2-(pyrrolidine-1-yl)hexan-1-one);
4 (9) Alpha-pyrrolidinoheptaphenone (Other names: PV8, 1-
5 phenyl-2-(pyrrolidine-1-yl)heptan-1-one); and
6 (10) 4'-chloro-alpha-pyrrolidinovalerophenone (Other names:
7 4-chloro-a-PVP, 4'-chloro-alpha-pyrrolidinopentiophenone,
8 1-(4-chlorophenyl)-2-(pyrrolidine-1-yl)pentan-1-one)
9 including their optical, positional, and geometric
10 isomers, salts, and salts of isomers whenever the
11 existence of such salts, isomers, and salts of isomers
12 is possible within the specific chemical designation."

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

14 "(f) Stimulants. Unless specifically excepted or unless
15 listed in another schedule, any material, compound, mixture, or
16 preparation ~~which~~ that contains any quantity of the following
17 substances having a stimulant effect on the central nervous
18 system, including its salts, isomers, and salts of isomers:

- 19 (1) Aminorex;
20 (2) Cathinone;
21 (3) 4,4'-dimethylaminorex (common name: 4,4'-DMAR);
22 (4) Fenethylamine;

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

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1 Some other trade names: Mephedrone (2-methylamino-1-
2 p-tolylpropan-1-one), also known as 4-
3 methylmethcathinone (4-MMC), methylephedrone or MMCAT;
4 Methylenedioxyprovalerone (MDPV, MDPK); methylone or
5 3,4-methylenedioxy-methylcathinone; and 1-
6 (benzo[d][1,3]dioxol-5-yl)-2-(ethylamino)propan-1-one,
7 monohydrochloride, also known as Ethylone, bk-MDEA
8 hydrochloride, MDEC; 3,4-Methylenedioxy-N-
9 ethylcathinone; bk-Methylenedioxyethylamphetamine, 4-
10 methyl-N-ethylcathinone (4-MEC); 4-methyl-alpha-
11 pyrrolidinopropiophenone (4-MePPP); alpha-
12 pyrrolidinopentiophenone ([alpha]-PVP); 1-(1,3-
13 benzodioxol-5-yl)-2-(methylamino)butan-1-one
14 (butylone, bk-MBDB e); 2-(methylamino)-1-phenylpentan-
15 1-one (pentedrone); 1-(1,3-benzodioxol-5-yl)-2-
16 (methylamino)pentan-1-one (pentylone, bk-MBDP); 4-
17 fluoro-N-methylcathinone (4-FMC, flephedrone); 3-
18 fluoro-N-methylcathinone (3-FMC); 1-(naphthalen-2-yl)-
19 2-(pyrrolidin-1-yl)pentan-1-one (naphyrone); alpha-
20 pyrrolidinobutiophenone ([alpha]-PBP) and their
21 optical, positional, and geometric isomers, salts and

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- 1 salts of isomers, whenever the existence of such
2 salts, isomers, and salts of isomers is possible; and
3 (10) 1-(4-methoxyphenyl)-N-methylpropan-2-amine (Other
4 names: para-methoxymethamphetamine; PMMA) [-];
5 (11) Ethyl 2-(1-(5-fluoropentyl)-1Hindazole-3-carboxamido)-
6 3,3-demethylbutanoate (Other name: 5FEDMB-PINACA);
7 (12) Methyl 2-(1-(5-fluoropentyl)-1Hindole-3-carboxamido)-
8 3,3-dimethylbutanoate (Other names: 5FMDMB-PICA; 5F-
9 MDMB-2201);
10 (13) N-(Adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-
11 carboxamide (Other names: FUB-AKB48; FUB-APINACA;
12 AKB48 N-(4-fluorobenzyl));
13 (14) 1-(5-Fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-
14 indazole-3-carboxamide (Other names: 5F-CUMYLPINACA;
15 SGT-25); and
16 (15) (1-(4-Fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-
17 tetramethylcyclopropyl)methanone (Other name: FUB-
18 144) including their salts, isomers, and salts of
19 isomers whenever the existence of such salts, isomers,
20 and salts of isomers is possible within the specific
21 chemical designation."

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

3 "(d) Stimulants. Unless listed in another schedule, any
4 material, compound, mixture, or preparation [~~which~~] that
5 contains any quantity of the following substances having a
6 stimulant effect on the central nervous system, including its
7 salts, isomers, and salts of isomers whenever the existence of
8 such salts, isomers, and salts of isomers is possible within the
9 specific chemical designation:

- 10 (1) Cathine ((+)-norpseudoephedrine);
- 11 (2) Diethylpropion;
- 12 (3) Fencamfamin;
- 13 (4) Fenproporex;
- 14 (5) Lorcaserin;
- 15 (6) Mazindol;
- 16 (7) Mefenorex;
- 17 (8) Modafinil;
- 18 (9) Pemoline (including organometallic complexes and
19 chelates thereof);
- 20 (10) Phentermine;
- 21 (11) Pipradrol;
- 22 (12) Serdexmethylphenidate;

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- 1 (13) Sibutramine;
- 2 (14) Solriamfetol; [~~and~~]
- 3 (15) SPA (1-dimethylamino-1,2-dephenylethane,
- 4 lefetamine) [~~-~~];
- 5 (16) Serdexmethylphenidate, including its salts, isomers,
- 6 and salts of isomers; and
- 7 (17) Daridorexant and its salts."

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

10 "(d) Depressants. Unless specifically exempted or
11 excluded or unless listed in another schedule, any material,
12 compound, mixture, or preparation [~~which~~] that contains any
13 quantity of the following substances having a depressant effect
14 on the central nervous system, including its salts, isomers, and
15 salts of isomers:

- 16 (1) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-
17 yl]butanamide) (Other names: BRV; UCB-34714;
18 Briviact) and its salts;
- 19 (2) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-
20 propionamide], (Vimpat);
- 21 (3) Lasmiditan (2,4,6-trifluoro-N-(6-(1-methylpiperidine-
22 4-carbonyl)pyridine-2-yl-benzamide); [~~and~~]

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

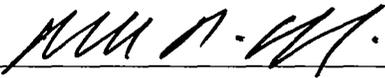
3 (5) Ganaxolone and its salts."

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.

7

8

INTRODUCED BY: 

9

BY REQUEST

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Report Title:

Uniform Controlled Substances Act

Description:

Updates the Uniform Controlled Substances Act, chapter 329, Hawaii Revised Statutes, to make it consistent with amendments in the federal controlled substances law as required by section 329-11, Hawaii Revised Statutes.

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

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

PURPOSE: To update chapter 329, Hawaii Revised Statutes (HRS), to make it consistent with amendments in the federal controlled substances law.

MEANS: Amend sections 329-14(b), (e), and (f), 329-20(d), and 329-22(d), HRS.

JUSTIFICATION: Section 329-11, HRS, requires that the Department of Public Safety annually recommend changes to the Hawaii law to correspond with changes to the Federal Controlled Substances Act.

Impact on the public: This bill is intended to protect the public by updating Hawaii's controlled substance schedules to be consistent with the Federal law.

Impact on the department and other agencies: These proposed amendments would assist the department's Narcotics Enforcement Division in clarifying regulations of the Uniform Controlled Substances Act.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: PSD 502.

OTHER AFFECTED AGENCIES: Department of Health Food and Drug Branch; federal, state, and county law enforcement.

EFFECTIVE DATE: Upon approval.