

JAN 19 2007

A BILL FOR AN ACT

RELATING TO UNIFORM CONTROLLED SUBSTANCES ACT.

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

1 SECTION 1. Section 329-75, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§329-75 Sales of products, mixtures, or preparations**
4 **containing pseudoephedrine; reporting requirement for**
5 **wholesalers[+]; electronic log.** (a) Notwithstanding any other
6 law to the contrary, a pharmacy or retailer may dispense, sell,
7 or distribute to a person without a prescription not more than
8 3.6 grams per day without regard to the number of transactions,
9 of any product, mixture, or preparation containing any
10 detectable quantity of pseudoephedrine, its salts, optical
11 isomers, or salts of optical isomers, as the only active
12 ingredient or in combination with other active ingredients;
13 provided that the pharmacy or retailer complies with the
14 following conditions:

15 (1) The product, mixture, or preparation shall be
16 dispensed, sold, or distributed from an area not
17 accessible by customers or the general public, such as



1 behind the counter or in a locked display case and
2 where the seller delivers the product directly into
3 the custody of the purchaser; and

4 (2) Any person purchasing or otherwise acquiring any
5 product, mixture, or preparation shall:

6 (A) Produce proper identification containing the
7 photograph, printed name, and signature of the
8 individual obtaining the controlled substance;
9 and

10 (B) Sign a written log, receipt, or other program or
11 mechanism approved by the administrator, showing
12 the date of the transaction, name and address of
13 the person, and the amount of the compound,
14 mixture, or preparation. The pharmacy or
15 retailer shall electronically record the
16 information obtained under this subparagraph, and
17 shall forward the information in an electronic
18 format to the administrator for posting onto an
19 electronic purchase log established under
20 subsection (e).

21 No person shall purchase, receive, or otherwise acquire more
22 than nine grams of any product, mixture, or preparation



1 containing any detectable quantity of pseudoephedrine or its
2 salts, isomers, or salts of optical isomers within a thirty-day
3 period, except that this limit shall not apply to any quantity
4 of such product, mixture, or preparation dispensed pursuant to a
5 valid prescription.

6 (b) The sales restriction in this section, as it applies
7 to products, mixtures, or preparations containing any detectable
8 quantity of pseudoephedrine, its salts, optical isomers, or
9 salts of optical isomers, shall not apply to any products,
10 mixtures, or preparations that are in liquid, liquid capsule, or
11 gel capsule form if pseudoephedrine is not the only active
12 ingredient.

13 (c) The department, by rule, may exempt other products
14 from this section, if the administrator finds that the products
15 are not used in the illegal manufacture of methamphetamine or
16 other controlled substances. A manufacturer of a drug product
17 may apply for removal of the product from this section if the
18 product is determined by the administrator to have been
19 formulated in such a way as to effectively prevent the
20 conversion of the active ingredient into methamphetamine.

21 (d) Notwithstanding any other provision of this chapter to
22 the contrary, every wholesaler shall report to the administrator



1 all sales made to any retailer, of any product, mixture, or
2 preparation containing any detectable quantity of
3 pseudoephedrine, its salts, optical isomers, or salts of optical
4 isomers, as the only active ingredient or in combination with
5 other active ingredients. The department shall provide a common
6 reporting form that contains at least the following information
7 about the product, mixture, or preparation:

- 8 (1) Generic or other name;
- 9 (2) Quantity sold;
- 10 (3) Date of sale;
- 11 (4) Name and address of the wholesaler; and
- 12 (5) Name and address of the retailer.

13 (e) The department shall establish and maintain an
14 electronic purchase log of the information forwarded to the
15 administrator pursuant to subsection (a). The electronic
16 purchase log shall be accessible by all state, county, and
17 federal law enforcement agencies for the sole purpose of:

- 18 (1) Identifying persons who make multiple purchases at
19 various establishments to accumulate pseudoephedrine
20 in quantities sufficient for possible use in
21 manufacturing methamphetamine;



- 1 (2) Ascertaining the location of a clandestine
- 2 methamphetamine manufacturing operation; and
- 3 (3) Use as evidence in any criminal prosecution arising
- 4 from paragraphs (1) and (2)."

5 SECTION 2. Statutory material to be repealed is bracketed
 6 and stricken. New statutory material is underscored.

7 SECTION 3. This Act shall take effect on October 1, 2007.

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Report Title:

Pseudoephedrine; Electronic Purchase Log

Description:

Requires pharmacies and retailers of controlled substances to record and forward to the narcotics enforcement division currently required identification information of the purchaser of pseudoephedrine. Requires the division to maintain an electronic purchase log of the information and make it accessible to law enforcement agencies for prosecution of operators of clandestine methamphetamine labs.

