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# A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 PART I

2 SECTION 1. The legislature finds that the department of  
3 public safety charges fees relating to the registration and  
4 control of the manufacture, distribution, prescription, and  
5 dispensing of controlled substances within this state. The  
6 department also collects fees from manufacturers, wholesalers,  
7 retailers, and other persons who sell, transfer, or otherwise  
8 furnish certain chemicals that are precursors to controlled  
9 substances. Fees are also collected from patients qualified for  
10 the medical use of marijuana. All of these fees are deposited  
11 into the controlled substance registration revolving fund  
12 established under section 329-59, Hawaii Revised Statutes.

13 The legislature also finds that one of the criteria used by  
14 the auditor in evaluating special or revolving funds is the  
15 extent to which the fund reflects a clear link between the  
16 benefit sought and charges made upon the users or beneficiaries  
17 of the program, as opposed to serving primarily as a means to  
18 provide the program or users with an automatic means of support



1 that is removed from the normal budget and appropriations  
2 process. Use of the controlled substance registration revolving  
3 fund to offset the cost of regulating those who make payments  
4 into the fund meets the criterion used by the auditor to  
5 evaluate special and revolving funds.

6 The purpose of this part is to authorize the director of  
7 public safety to offset the cost of investigating violations of  
8 chapter 329, Hawaii Revised Statutes, the Uniform Controlled  
9 Substances Act, including funding operations of the narcotics  
10 enforcement division's forensic drug laboratory facility, with  
11 money appropriated from the controlled substance registration  
12 revolving fund.

13 SECTION 2. Section 329-59, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15 "(a) There is established within the state treasury the  
16 controlled substance registration revolving fund. The fund  
17 shall be expended at the discretion of the director of public  
18 safety for the purpose of:

19 (1) Offsetting the cost of the electronic prescription  
20 accountability system, investigation of violations,  
21 the registration and control of the manufacture,  
22 distribution, prescription, and dispensation of



1 controlled substances and regulated chemicals listed  
2 under section 329-61, within the State and the  
3 processing and issuance of a patient registry  
4 identification certificate designated under part IX;  
5 [~~and~~]

6 (2) Funding positions authorized by the legislature by  
7 law~~[-]~~; and

8 (3) Funding the narcotics enforcement division's forensic  
9 drug laboratory facility."

10 PART II

11 SECTION 3. Section 329-14, Hawaii Revised Statutes, is  
12 amended by amending subsection (e) to read as follows:

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

16 (1) Mecloqualone;

17 (2) Methaqualone."

18 SECTION 4. Section 329-16, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "**§329-16 Schedule II.** (a) The controlled substances  
21 listed in this section are included in schedule II.



1 (b) Any of the following substances, except those narcotic  
2 drugs listed in other schedules, whether produced directly or  
3 indirectly by extraction from substances of vegetable origin, or  
4 independently by means of chemical synthesis, or by combination  
5 of extraction and chemical synthesis:

6 (1) Opium and opiate, and any salt, compound, derivative,  
7 or preparation of opium or opiate including the  
8 following:

- 9 (A) Raw opium;  
10 (B) Opium extracts;  
11 (C) Opium fluid;  
12 (D) Powdered opium;  
13 (E) Granulated opium;  
14 (F) Codeine;  
15 (G) Ethylmorphine;  
16 (H) Etorphine hydrochloride;  
17 (I) Hydrocodone;  
18 (J) Hydromorphone;  
19 (K) Metopon;  
20 (L) Morphine;  
21 (M) Oxycodone;  
22 (N) Oxymorphone; and



- 1 (0) Thebaine;
- 2 (2) Any salt, compound, isomer, derivative, or preparation  
3 thereof which is chemically equivalent or identical  
4 with any of the substances referred to in paragraph  
5 (1), but not including the isoquinoline alkaloids of  
6 opium;
- 7 (3) Opium poppy and poppy straw;
- 8 (4) Coca leaves and any salt, compound, derivative, or  
9 preparation of coca leaves, and any salt, compound,  
10 derivative, or preparation thereof which is chemically  
11 equivalent or identical with any of these substances,  
12 but not including decocanized coca leaves or  
13 extractions which do not contain cocaine or ecgonine;  
14 cocaine or any salt or isomer thereof; and
- 15 (5) Concentrate of poppy straw (the crude extract of poppy  
16 straw in either liquid, solid, or powder form that  
17 contains the phenanthrene alkaloids of the opium  
18 poppy).
- 19 (c) Any of the following opiates, including their isomers,  
20 esters, ethers, salts, and salts of isomers, whenever the  
21 existence of these isomers, esters, ethers, and salts is  
22 possible within the specific chemical designation:



- 1 (1) Alfentanil;
- 2 (2) Alphaprodine;
- 3 (3) Anileridine;
- 4 (4) Bezitramide;
- 5 (5) Bulk Dextropropoxyphene (nondosage form);
- 6 (6) Carfentanil;
- 7 (7) Dihydrocodeine;
- 8 (8) Diphenoxylate;
- 9 (9) Fentanyl;
- 10 (10) Isomethadone;
- 11 (11) Levo-alphaacetylmethadol (LAAM);
- 12 (12) Levomethorphan;
- 13 (13) Levorphanol;
- 14 (14) Metazocine;
- 15 (15) Methadone;
- 16 (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-
- 17 diphenyl butane;
- 18 (17) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-
- 19 diphenyl-propane-carboxylic acid;
- 20 (18) Pethidine (Meperidine);
- 21 (19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
- 22 phenylpiperidine;



- 1 (20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-  
2 carboxylate;
- 3 (21) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-  
4 4-carboxylic acid;
- 5 (22) Phenazocine;
- 6 (23) Piminodine;
- 7 (24) Racemethorphan;
- 8 (25) Racemorphan;
- 9 (26) Remifentanil; and
- 10 (27) Sufentanil.

11 (d) Depressants. Unless specifically excepted or unless  
12 listed in another schedule, any material, compound, mixture, or  
13 preparation which contains any quantity of the following  
14 substances having a depressant effect on the central nervous  
15 system[+], including their isomers, esters, ethers, salts, and  
16 salts of isomers, esters, and ethers, unless specifically  
17 excepted, whenever the existence of these isomers, esters,  
18 ethers, and salts is possible within the specific chemical  
19 designation:

- 20 (1) Amobarbital;
- 21 (2) Glutethimide;
- 22 (3) Pentobarbital;



1 (4) Phencyclidine;

2 [~~(5) Phencyclidine immediate precursors:~~

3 ~~(A) 1-phenylcyclohexylamine;~~

4 ~~(B) 1-piperidinocyclohexanecarbonitrile (PCC);~~] and

5 [~~(6)~~] (5) Secobarbital.

6 (e) Stimulants. Any material, compound, mixture, or  
7 preparation which contains any quantity of the following  
8 substances having a danger or probable danger associated with a  
9 stimulant effect on the central nervous system:

10 (1) Amphetamine, its salts, optical isomers, and salts of  
11 its optical isomers;

12 (2) Any substance which contains any quantity of  
13 methamphetamine, including its salts, isomers, and  
14 salts of isomers[-];

15 (3) Phenmetrazine and its salts; and

16 (4) Methylphenidate.

17 [~~(f) Any material, compound, mixture, or preparation which~~  
18 ~~contains any quantity of the following substances having a~~  
19 ~~degree of danger or probable danger associated with a stimulant~~  
20 ~~effect on the central nervous system:~~

21 ~~(1) Phenmetrazine and its salts;~~

22 ~~(2) Phenylacetone (P2P);~~



1       ~~(3) Methylphenidate.]~~

2       (f) Immediate precursor. Unless listed in another  
3 schedule, any material, compound, mixture, or preparation which  
4 contains any quantity of the following substances:

5       (1) Immediate precursor to amphetamine and  
6 methamphetamine:

7       (A) Phenylacetone, phenyl-2-propanone(P2P), benzyl  
8 methyl ketone, methyl benzyl ketone.

9       (2) Immediate precursors to phencyclidine (PCP):

10       (A) 1-phenylcyclohexylamine; and

11       (B) 1-piperidinocyclohexanecarbonitrile(PCC).

12       (g) Hallucinogenic substances, unless listed in another  
13 schedule, shall include[+] but not be limited to:

14       (1) Nabilone."

15       SECTION 5. Section 329-20, Hawaii Revised Statutes, is  
16 amended by amending subsection (b) to read as follows:

17       "(b) Depressants. Any material, compound, mixture, or  
18 preparation which contains any quantity of the following  
19 substances [~~having~~], including its salts, isomers, and salts of  
20 isomers, whenever the existence of these isomers, esters,  
21 ethers, and salts is possible within the specific chemical  
22 designation, that has a degree of danger or probable danger



1 associated with a depressant effect on the central nervous  
2 system:

- 3 (1) Alprazolam;
- 4 (2) Barbitol;
- 5 (3) Bromazepam;
- 6 (4) Butorphanol;
- 7 (5) Camazepam;
- 8 (6) Carisoprodol;
- 9 (7) Chloral betaine;
- 10 (8) Chloral hydrate;
- 11 (9) Chlordiazepoxide;
- 12 (10) Clobazam;
- 13 (11) Clonazepam;
- 14 (12) Clorazepate;
- 15 (13) Clotiazepam;
- 16 (14) Cloxazolam;
- 17 (15) Delorazepam;
- 18 (16) Dichloralphenazone (Midrin);
- 19 (17) Diazepam;
- 20 (18) Estazolam;
- 21 (19) Ethchlorvynol;
- 22 (20) Ethinamate;



- 1 (21) Ethyl loflazepate;
- 2 (22) Fludiazepam;
- 3 (23) Flunitrazepam;
- 4 (24) Flurazepam;
- 5 (25) Halazepam;
- 6 (26) Haloxazolam;
- 7 (27) Ketazolam;
- 8 (28) Loprazolam;
- 9 (29) Lorazepam;
- 10 (30) Lormetazepam;
- 11 (31) Mebutamate;
- 12 (32) Medazepam;
- 13 (33) Meprobamate;
- 14 (34) Methohexital;
- 15 (35) Methylphenobarbital (mephobarbital);
- 16 (36) Midazolam;
- 17 (37) Nimetazepam;
- 18 (38) Nitrazepam;
- 19 (39) Nordiazepam;
- 20 (40) Oxazepam;
- 21 (41) Oxazolam;
- 22 (42) Paraldehyde;



- 1 (43) Petrichloral;
- 2 (44) Phenobarbital;
- 3 (45) Pinazepam;
- 4 (46) Prazepam;
- 5 (47) Quazepam;
- 6 (48) Temazepam;
- 7 (49) Tetrazepam;
- 8 (50) Triazolam;
- 9 (51) Zaleplon;
- 10 (52) Zolpidem; and
- 11 (53) Zopiclone (Lunesta)."

12 SECTION 6. Section 329-22, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 **"§329-22 Schedule V.** (a) The controlled substances listed  
15 in this section are included in schedule V.

16 (b) Narcotic drugs containing nonnarcotic active medicinal  
17 ingredients. Any compound, mixture, or preparation containing  
18 limited quantities of any of the following narcotic drugs, which  
19 also contains one or more nonnarcotic active medicinal ingredients  
20 in sufficient proportion to confer upon the compound, mixture, or  
21 preparation, valuable medicinal qualities other than those  
22 possessed by the narcotic drug alone:



- 1 (1) Not more than 200 milligrams of codeine, or any of its  
2 salts, per 100 milliliters or per 100 grams;
- 3 (2) Not more than 100 milligrams of dihydrocodeine, or any  
4 of its salts, per 100 milliliters or per 100 grams;
- 5 (3) Not more than 100 milligrams of ethylmorphine, or any of  
6 its salts, per 100 milliliters or per 100 grams;
- 7 (4) Not more than 2.5 milligrams of diphenoxylate and not  
8 less than 25 micrograms of atropine sulfate per dosage  
9 unit;
- 10 (5) Not more than 100 milligrams of opium per 100  
11 milliliters or per 100 grams; and
- 12 (6) Not more than 0.5 milligram of difenoxin and not less  
13 than 25 micrograms of atropine sulfate per dosage unit.
- 14 (c) Stimulants. Unless specifically exempted or excluded  
15 or unless listed in another schedule, any material, compound,  
16 mixture, or preparation that contains any quantity of the  
17 following substances having a stimulant effect on the central  
18 nervous system, including its salts, isomers, and salts of  
19 isomers[+  
20 ~~(1) Pyrovalerone]~~.

- 21 (d) Depressants. Unless specifically exempted or excluded  
22 or unless listed in another schedule, any material, compound,



1 mixture, or preparation that contains any quantity of the  
2 following substances having a depressant effect on the central  
3 nervous system, including its salts, isomers, and salts of  
4 isomers:

5 (1) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic  
6 acid]."

7 SECTION 7. Section 329-75, Hawaii Revised Statutes,  
8 is amended to read as follows:

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

20 (1) The product, mixture, or preparation shall be  
21 dispensed, sold, or distributed from an area not  
22 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.

15 No person shall purchase, receive, or otherwise acquire more than  
16 nine grams of any product, mixture, or preparation containing any  
17 detectable quantity of pseudoephedrine or its salts, isomers, or  
18 salts of optical isomers within a thirty-day period, except that  
19 this limit shall not apply to any quantity of such product,  
20 mixture, or preparation dispensed pursuant to a valid  
21 prescription.

22 ~~[(b) The sales restriction in this section, as it applies~~  
23 ~~to products, mixtures, or preparations containing any detectable~~



1 ~~quantity of pseudoephedrine, its salts, optical isomers, or~~  
2 ~~salts of optical isomers, shall not apply to any products,~~  
3 ~~mixtures, or preparations that are in liquid, liquid capsule, or~~  
4 ~~gel capsule form if pseudoephedrine is not the only active~~  
5 ~~ingredient.]~~

6       ~~(e)~~ (b) The department, by rule, may exempt other  
7 products from this section, if the administrator finds that the  
8 products are not used in the illegal manufacture of  
9 methamphetamine or other controlled substances. A manufacturer  
10 of a drug product may apply for removal of the product from this  
11 section if the product is determined by the administrator to  
12 have been formulated in such a way as to effectively prevent the  
13 conversion of the active ingredient into methamphetamine.

14       ~~(d)~~ (c) Notwithstanding any other provision of this  
15 chapter to the contrary, every wholesaler shall report to the  
16 administrator all sales made to any retailer, of any product,  
17 mixture, or preparation containing any detectable quantity of  
18 pseudoephedrine, its salts, optical isomers, or salts of optical  
19 isomers, as the only active ingredient or in combination with  
20 other active ingredients. The department shall provide a common  
21 reporting form that contains at least the following information  
22 about the product, mixture, or preparation:



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

6 PART III

7 SECTION 8. Statutory material to be repealed is bracketed  
8 and stricken, except bracketed and not stricken material  
9 contained within the name of a substance listed in section 329-  
10 22(d)(1), Hawaii Revised Statutes, in section 6 of this Act is  
11 not to be repealed.

12 SECTION 9. This Act shall take effect upon its approval.



**Report Title:**

Controlled Substances

**Description:**

Authorizes the use of the controlled substance registration revolving fund to offset costs of investigating violations of the Uniform Controlled Substances Act including operations of the Narcotic Enforcement Division's forensic drug laboratory. Makes Hawaii's controlled substance laws consistent with that of federal law. (SB 1491 HD1)

