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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 SECTION 1. Section 329-14, Hawaii Revised Statutes, is  
2 amended by amending subsection (e) to read as follows:

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

6 (1) Mecloqualone;

7 (2) Methaqualone."

8 SECTION 2. Section 329-16, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§329-16 Schedule II.** (a) The controlled substances  
11 listed in this section are included in schedule II.

12 (b) Any of the following substances, except those narcotic  
13 drugs listed in other schedules, whether produced directly or  
14 indirectly by extraction from substances of vegetable origin, or  
15 independently by means of chemical synthesis, or by combination  
16 of extraction and chemical synthesis:



- 1 (1) Opium and opiate, and any salt, compound, derivative,  
2 or preparation of opium or opiate including the  
3 following:
- 4 (A) Raw opium;
  - 5 (B) Opium extracts;
  - 6 (C) Opium fluid;
  - 7 (D) Powdered opium;
  - 8 (E) Granulated opium;
  - 9 (F) Codeine;
  - 10 (G) Ethylmorphine;
  - 11 (H) Etorphine hydrochloride;
  - 12 (I) Hydrocodone;
  - 13 (J) Hydromorphone;
  - 14 (K) Metopon;
  - 15 (L) Morphine;
  - 16 (M) Oxycodone;
  - 17 (N) Oxymorphone; and
  - 18 (O) Thebaine;
- 19 (2) Any salt, compound, isomer, derivative, or preparation  
20 thereof which is chemically equivalent or identical  
21 with any of the substances referred to in paragraph



1 (1), but not including the isoquinoline alkaloids of  
2 opium;

3 (3) Opium poppy and poppy straw;

4 (4) Coca leaves and any salt, compound, derivative, or  
5 preparation of coca leaves, and any salt, compound,  
6 derivative, or preparation thereof which is chemically  
7 equivalent or identical with any of these substances,  
8 but not including decocanized coca leaves or  
9 extractions which do not contain cocaine or ecgonine;  
10 cocaine or any salt or isomer thereof; and

11 (5) Concentrate of poppy straw (the crude extract of poppy  
12 straw in either liquid, solid, or powder form that  
13 contains the phenanthrene alkaloids of the opium  
14 poppy).

15 (c) Any of the following opiates, including their isomers,  
16 esters, ethers, salts, and salts of isomers, whenever the  
17 existence of these isomers, esters, ethers, and salts is  
18 possible within the specific chemical designation:

19 (1) Alfentanil;

20 (2) Alphaprodine;

21 (3) Anileridine;

22 (4) Bezitramide;



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



- 1 (22) Phenazocine;
- 2 (23) Piminodine;
- 3 (24) Racemethorphan;
- 4 (25) Racemorphan;
- 5 (26) Remifentanil; and
- 6 (27) Sufentanil.
- 7 (d) Depressants. Unless specifically excepted or unless
- 8 listed in another schedule, any material, compound, mixture, or
- 9 preparation which contains any quantity of the following
- 10 substances having a depressant effect on the central nervous
- 11 system[+], including their isomers, esters, ethers, salts, and
- 12 salts of isomers, esters, and ethers, unless specifically
- 13 excepted, whenever the existence of these isomers, esters,
- 14 ethers, and salts is possible within the specific chemical
- 15 designation:
- 16 (1) Amobarbital;
- 17 (2) Glutethimide;
- 18 (3) Pentobarbital;
- 19 (4) Phencyclidine;
- 20 [~~5~~] ~~Phencyclidine immediate precursors:~~
- 21 ~~(A) 1-phenycyclohexylamine;~~
- 22 ~~(B) 1-piperidinocyclohexanecarbonitrile (PCC)]; and~~



1       ~~[(6)]~~ (5) Secobarbital.

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

6       (1) Amphetamine, its salts, optical isomers, and salts of  
7 its optical isomers;

8       (2) Any substance which contains any quantity of  
9 methamphetamine, including its salts, isomers, and  
10 salts of isomers~~[-]~~;

11       (3) Phenmetrazine and its salts; and

12       (4) Methylphenidate.

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

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

18       ~~(2) Phenylacetone (P2P);~~

19       ~~(3) Methylphenidate.]~~

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



1        (1) Immediate precursor to amphetamine and  
2        methamphetamine:

3        (A) Phenylacetone, phenyl-2-propanone(P2P), benzyl  
4        methyl ketone, methyl benzyl ketone.

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

6        (A) 1-phenylcyclohexylamine; and

7        (B) 1-piperidinocyclohexanecarbonitrile(PCC).

8        (g) Hallucinogenic substances, unless listed in another  
9 schedule, shall include, but not be limited to:

10       (1) Nabilone."

11       SECTION 3. Section 329-20, Hawaii Revised Statutes, is  
12 amended by amending subsection (b) to read as follows:

13       "(b) Depressants. Any material, compound, mixture, or  
14 preparation which contains any quantity of the following  
15 substances ~~having~~, including its salts, isomers, and salts of  
16 isomers, whenever the existence of these isomers, esters,  
17 ethers, and salts is possible within the specific chemical  
18 designation, that has a degree of danger or probable danger  
19 associated with a depressant effect on the central nervous  
20 system:

21       (1) Alprazolam;

22       (2) Barbital;



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



- 1 (25) Halazepam;
- 2 (26) Haloxazolam;
- 3 (27) Ketazolam;
- 4 (28) Loprazolam;
- 5 (29) Lorazepam;
- 6 (30) Lormetazepam;
- 7 (31) Mebutamate;
- 8 (32) Medazepam;
- 9 (33) Meprobamate;
- 10 (34) Methohexital;
- 11 (35) Methylphenobarbital (mephorbarbital);
- 12 (36) Midazolam;
- 13 (37) Nimetazepam;
- 14 (38) Nitrazepam;
- 15 (39) Nordiazepam;
- 16 (40) Oxazepam;
- 17 (41) Oxazolam;
- 18 (42) Paraldehyde;
- 19 (43) Petrichloral;
- 20 (44) Phenobarbital;
- 21 (45) Pinazepam;
- 22 (46) Prazepam;



- 1 (47) Quazepam;  
2 (48) Temazepam;  
3 (49) Tetrazepam;  
4 (50) Triazolam;  
5 (51) Zaleplon;  
6 (52) Zolpidem; and  
7 (53) Zopiclone (Lunesta)."

8 SECTION 4. Section 329-22, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§329-22 Schedule V.** (a) The controlled substances listed  
11 in this section are included in schedule V.

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

- 19 (1) Not more than 200 milligrams of codeine, or any of its  
20 salts, per 100 milliliters or per 100 grams;  
21 (2) Not more than 100 milligrams of dihydrocodeine, or any  
22 of its salts, per 100 milliliters or per 100 grams;



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



1        (1) Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic  
2            acid)."

3            SECTION 5. Section 329-75, Hawaii Revised Statutes, is  
4 amended to read as follows:

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

16        (1) The product, mixture, or preparation shall be  
17            dispensed, sold, or distributed from an area not  
18            accessible by customers or the general public, such as  
19            behind the counter or in a locked display case and  
20            where the seller delivers the product directly into  
21            the custody of the purchaser; and



- 1           (2) Any person purchasing or otherwise acquiring any  
2           product, mixture, or preparation shall:
- 3           (A) Produce proper identification containing the  
4           photograph, printed name, and signature of the  
5           individual obtaining the controlled substance;  
6           and
- 7           (B) Sign a written log, receipt, or other program or  
8           mechanism approved by the administrator, showing  
9           the date of the transaction, name and address of  
10          the person, and the amount of the compound,  
11          mixture, or preparation.

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

19       ~~[(b) The sales restriction in this section, as it applies~~  
20 ~~to products, mixtures, or preparations containing any detectable~~  
21 ~~quantity of pseudoephedrine, its salts, optical isomers, or~~  
22 ~~salts of optical isomers, shall not apply to any products,~~  
23 ~~mixtures, or preparations that are in liquid, liquid capsule, or~~



1 ~~gel capsule form if pseudoephedrine is not the only active~~  
2 ~~ingredient.]~~

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

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

- 20       (1) Generic or other name;  
21       (2) Quantity sold;  
22       (3) Date of sale;



1 (4) Name and address of the wholesaler; and

2 (5) Name and address of the retailer."

3 SECTION 6. Statutory material to be repealed is bracketed  
4 and stricken, except where bracketed and not stricken material  
5 is part of a chemical formula contained in statute. New  
6 statutory material is underscored.

7 SECTION 7. This Act shall take effect upon its approval.



**Report Title:**

Controlled Substances

**Description:**

Allows the public to utilize the controlled substance pregabalin and makes Hawaii's controlled substance laws consistent with that of federal law. (SD1)

