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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 (d) to read as follows:

3       "(d) Any material, compound, mixture, or preparation that  
4 contains any quantity of the following hallucinogenic  
5 substances, their salts, isomers, and salts of isomers, unless  
6 specifically excepted, whenever the existence of these salts,  
7 isomers, and salts of isomers is possible within the specific  
8 chemical designation:

9       (1) Alpha-ethyltryptamine (AET);

10       (2) 2,5-dimethoxy-4-ethylamphetamine (DOET);

11       (3) 2,5-dimethoxyamphetamine (2,5-DMA);

12       (4) 3,4-methylenedioxy amphetamine;

13       (5) 3,4-methylenedioxymethamphetamine (MDMA);

14       (6) N-hydroxy-3,4-methylenedioxyamphetamine (N-hydroxy-  
15 MDA);

16       (7) 3,4-methylenedioxy-N-ethylamphetamine (MDE);

17       (8) 5-methoxy-3,4-methylenedioxy-amphetamine;

18       (9) 4-bromo-2,5-dimethoxy-amphetamine (4-bromo-2,5-DMA);



- 1 (10) 4-Bromo-2,5-dimethoxyphenethylamine (Nexus);
- 2 (11) 3,4,5-trimethoxy amphetamine;
- 3 (12) Bufotenine;
- 4 (13) 4-methoxyamphetamine (PMA);
- 5 (14) Diethyltryptamine;
- 6 (15) Dimethyltryptamine;
- 7 (16) 4-methyl-2,5-dimethoxy-amphetamine;
- 8 (17) Gamma hydroxybutyrate (GHB) (some other names include
- 9 gamma hydroxybutyric acid; 4-hydroxybutyrate; 4-
- 10 hydroxybutanoic acid; sodium oxybate; sodium
- 11 oxybutyrate);
- 12 (18) Ibogaine;
- 13 (19) Lysergic acid diethylamide;
- 14 (20) Marijuana;
- 15 (21) Parahexyl;
- 16 (22) Mescaline;
- 17 (23) Peyote;
- 18 (24) N-ethyl-3-piperidyl benzilate;
- 19 (25) N-methyl-3-piperidyl benzilate;
- 20 (26) Psilocybin;
- 21 (27) Psilocyn;
- 22 (28) 1-[1-(2-Thienyl) cyclohexyl] Pyrrolidine (TCPy);



- 1 (29) Tetrahydrocannabinols;
- 2 (30) Ethylamine analog of phencyclidine (PCE);
- 3 (31) Pyrrolidine analog of phencyclidine (PCPy, PHP);
- 4 (32) Thiophene analog of phencyclidine (TPCP; TCP);
- 5 (33) Gamma-butyrolactone, including butyrolactone;
- 6 butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone
- 7 dihydro; dihydro-2(3H)-furanone; tetrahydro-2-
- 8 furanone; 1,2-butanolide; 1,4-butanolide; 4-
- 9 butanolide; gamma-hydroxybutyric acid lactone; 3-
- 10 hydroxybutyric acid lactone and 4-hydroxybutanoic acid
- 11 lactone with Chemical Abstract Service number 96-48-0
- 12 when any such substance is intended for human
- 13 ingestion;
- 14 (34) 1,4 butanediol, including butanediol; butane-1,4-diol;
- 15 1,4- butylenes glycol; butylene glycol; 1,4-
- 16 dihydroxybutane; 1,4- tetramethylene glycol;
- 17 tetramethylene glycol; tetramethylene 1,4- diol with
- 18 Chemical Abstract Service number 110-63-4 when any
- 19 such substance is intended for human ingestion;
- 20 (35) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7),
- 21 its optical isomers, salts, and salts of isomers;



- 1 (36) N-benzylpiperazine (BZP; 1-benzylpiperazine) its  
2 optical isomers, salts, and salts of isomers;  
3 (37) 1-(3-trifluoromethylphenyl)piperazine (TFMPP), its  
4 optical isomers, salts, and salts of isomers;  
5 (38) Alpha-methyltryptamine (AMT), its isomers, salts, and  
6 salts of isomers; [and]  
7 (39) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its  
8 isomers, salts, and salts of isomers[-];  
9 (40) Salvia divinorum;  
10 (41) Salvinorin A; and  
11 (42) Divinorin A."

12 SECTION 2. Section 329-16, Hawaii Revised Statutes, is  
13 amended by amending subsection (c) to read as follows:

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

- 18 (1) Alfentanil;  
19 (2) Alphaprodine;  
20 (3) Anileridine;  
21 (4) Bezitramide;  
22 (5) Bulk Dextropropoxyphene (nondosage form);



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



- 1       (23) Piminodine;  
2       (24) Racemethorphan;  
3       (25) Racemorphan;  
4       (26) Remifentanil; [~~and~~]  
5       (27) Sufentanil [-]; and  
6       (28) Tapentadol."

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

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

- 17       (1) Alprazolam;  
18       (2) Barbitol;  
19       (3) Bromazepam;  
20       (4) Butorphanol;  
21       (5) Camazepam;  
22       (6) Carisoprodol;



- 1 (7) Chloral betaine;
- 2 (8) Chloral hydrate;
- 3 (9) Chlordiazepoxide;
- 4 (10) Clobazam;
- 5 (11) Clonazepam;
- 6 (12) Clorazepate;
- 7 (13) Clotiazepam;
- 8 (14) Cloxazolam;
- 9 (15) Delorazepam;
- 10 (16) Dichloralphenazone (Midrin);
- 11 (17) Diazepam;
- 12 (18) Estazolam;
- 13 (19) Ethchlorvynol;
- 14 (20) Ethinamate;
- 15 (21) Ethyl loflazepate;
- 16 (22) Fludiazepam;
- 17 (23) Flunitrazepam;
- 18 (24) Flurazepam;
- 19 (25) Fospropofol (Lusedra);
- 20 [~~+25~~] (26) Halazepam;
- 21 [~~+26~~] (27) Haloxazolam;
- 22 [~~+27~~] (28) Ketazolam;



- 1        [~~(28)~~] (29)    Loprazolam;
- 2        [~~(29)~~] (30)    Lorazepam;
- 3        [~~(30)~~] (31)    Lormetazepam;
- 4        [~~(31)~~] (32)    Mebutamate;
- 5        [~~(32)~~] (33)    Medazepam;
- 6        [~~(33)~~] (34)    Meprobamate;
- 7        [~~(34)~~] (35)    Methohexital;
- 8        [~~(35)~~] (36)    Methylphenobarbital (mephobarbital);
- 9        [~~(36)~~] (37)    Midazolam;
- 10       [~~(37)~~] (38)    Nimetazepam;
- 11       [~~(38)~~] (39)    Nitrazepam;
- 12       [~~(39)~~] (40)    Nordiazepam;
- 13       [~~(40)~~] (41)    Oxazepam;
- 14       [~~(41)~~] (42)    Oxazolam;
- 15       [~~(42)~~] (43)    Paraldehyde;
- 16       [~~(43)~~] (44)    Petrichloral;
- 17       [~~(44)~~] (45)    Phenobarbital;
- 18       [~~(45)~~] (46)    Pinazepam;
- 19       [~~(46)~~] (47)    Prazepam;
- 20       [~~(47)~~] (48)    Quazepam;
- 21       [~~(48)~~] (49)    Temazepam;
- 22       [~~(49)~~] (50)    Tetrazepam;





- 1       ~~[(50)]~~ (51)   Triazolam;  
2       ~~[(51)]~~ (52)   Zaleplon;  
3       ~~[(52)]~~ (53)   Zolpidem; and  
4       ~~[(53)]~~ (54)   Zopiclone (Lunesta)."

5       SECTION 4. Section 329-22, Hawaii Revised Statutes, is  
6 amended by amending subsection (d) to read as follows:

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

- 13       (1) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-  
14       propionamide], (Vimpat); and  
15       ~~[(1)]~~ (2) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic  
16       acid]."

17       SECTION 5. Section 329-35, Hawaii Revised Statutes, is  
18 amended to read as follows:

19       "~~§329-35 Order to show cause. (a) [Before denying,~~  
20 ~~suspending, or revoking a registration, or refusing a renewal of~~  
21 ~~registration, the department of public safety shall serve upon~~  
22 ~~the applicant or registrant an order to show cause why~~



1 ~~registration should not be denied, revoked, or suspended, or why~~  
2 ~~the renewal should not be refused. The order to show cause~~  
3 ~~shall contain a statement of the basis therefor and shall call~~  
4 ~~upon the applicant or registrant to appear before the department~~  
5 ~~of public safety at a time and place not less than thirty days~~  
6 ~~after the date of service of the order, but in the case of a~~  
7 ~~denial or renewal of registration the show cause order shall be~~  
8 ~~served not later than thirty days before the expiration of the~~  
9 ~~registration. These proceedings shall be conducted in~~  
10 ~~accordance with chapter 91 without regard to any criminal~~  
11 ~~prosecution or other proceeding. Proceedings to refuse renewal~~  
12 ~~of registration shall not abate the existing registration which~~  
13 ~~shall remain in effect pending the outcome of the administrative~~  
14 ~~hearing.]~~ If, upon examination of the application for  
15 registration from any applicant and other information gathered  
16 by the department regarding the applicant, the administrator is  
17 unable to make the determinations required by the applicable  
18 provisions of sections 329-32 and 329-33 and applicable rules to  
19 register the applicant, the administrator shall serve upon the  
20 applicant an order to show cause why the registration should not  
21 be denied.



1        (b) If, upon information gathered by the department  
2 regarding any registrant, the administrator determines that the  
3 registration of such registrant is subject to suspension or  
4 revocation pursuant to section 329-34 or applicable rules, the  
5 department shall serve upon the registrant an order to show  
6 cause why the registration should not be revoked or suspended.

7        (c) The order to show cause shall call upon the applicant  
8 or registrant to appear before the department at a time and  
9 place stated in the order, which shall be not less than thirty  
10 days after the date of receipt of the order. The order to show  
11 cause shall also contain a statement of the legal basis for such  
12 hearing and for the denial, revocation, or suspension of  
13 registration, and a summary of the matters of fact and law  
14 asserted.

15        (d) Upon receipt of an order to show cause, the applicant  
16 or registrant shall, if the registrant or applicant desires a  
17 hearing, file a request for a hearing with the department within  
18 thirty days after service of the order to show cause. Failure  
19 to request a hearing shall result in the automatic termination  
20 of the registrant's registration and in the case of a new  
21 application or renewal, the unprocessed application shall be  
22 returned to the applicant.



1        ~~[(b)]~~ (e) The department of public safety may suspend any  
2 registration simultaneously with the institution of proceedings  
3 under section 329-34, or where renewal of registration is  
4 refused, if it finds that there is an imminent danger to the  
5 public health or safety which warrants this action. The  
6 suspension shall continue in effect until the conclusion of the  
7 proceedings, including judicial review thereof, unless sooner  
8 withdrawn by the department of public safety or dissolved by a  
9 court of competent jurisdiction.

10        ~~[(e)]~~ (f) The department of public safety may subpoena and  
11 examine witnesses under oath upon all such charges as may be  
12 ~~[preferred]~~ referred before it ~~[, and the circuit court of the~~  
13 ~~circuit in which the hearing is held shall enforce by~~  
14 ~~appropriate order the attendance and testimony of witnesses so~~  
15 ~~subpoenaed]."~~

16        SECTION 6. Section 329-64, Hawaii Revised Statutes, is  
17 amended by amending subsection (a) to read as follows:

18        "(a) The requirements imposed by sections 329-62 ~~[7]~~ and  
19 329-63(a) ~~[, and 329-67]~~ of this part shall not apply to any of  
20 the following:



(1) Any pharmacist or other authorized person who sells or furnishes a substance upon the prescription of a physician, dentist, podiatrist, or veterinarian;

(2) Any physician, dentist, podiatrist, or veterinarian who administers or furnishes a substance to patients;

(3) Any manufacturer or wholesaler licensed by the State who sells, transfers, or otherwise furnishes a substance to a licensed pharmacy, physician, dentist, podiatrist, or veterinarian;

(4) Any sale, transfer, furnishing, or receipt of any drug that contains pseudoephedrine or norpseudoephedrine that is lawfully sold, transferred, or furnished over the counter without a prescription pursuant to the federal Food, Drug, and Cosmetic Act (21 United States Code Sec. 301 et seq.) or regulations adopted thereunder as long as it complies with the requirements of sections 329-73, 329-74, and 329-75[+ and

~~(5) Any "dietary supplement" as defined by the federal Food, Drug, and Cosmetic Act (21 United States Code Sec. 301) containing ephedrine alkaloids extracted~~



1 ~~from any species of Ephedra that meets all of the~~  
2 ~~following criteria:~~

3 ~~(A) It contains, per dosage unit or serving, not more~~  
4 ~~than twenty five milligrams of ephedrine~~  
5 ~~alkaloids and its labeling does not suggest or~~  
6 ~~recommend a total daily intake of more than one~~  
7 ~~hundred milligrams of ephedrine alkaloids;~~

8 ~~(B) It contains no hydrochloride or sulfate salts of~~  
9 ~~ephedrine alkaloids; and~~

10 ~~(C) It is packaged with a prominent label securely~~  
11 ~~affixed to each package that states all of the~~  
12 ~~following:~~

13 ~~(i) The amount in milligrams of ephedrine~~  
14 ~~alkaloids in a dosage unit or serving;~~

15 ~~(ii) The amount of the dietary supplement that~~  
16 ~~constitutes a dosage unit or serving; and~~

17 ~~(iii) The maximum recommended dosage of ephedrine~~  
18 ~~alkaloids for a healthy adult human is not~~  
19 ~~more than one hundred milligrams in a~~  
20 ~~twenty four hour period]."~~

21 SECTION 7. Section 329-101, Hawaii Revised Statutes, is  
22 amended by amending subsection (f) to read as follows:



1       "(f) Intentional or knowing failure to transmit any  
2 information as required by this section, including requests by  
3 the designated state agency for data corrections, shall be a  
4 misdemeanor, may incur administrative fines, and shall result in  
5 the immediate suspension of that pharmacy or practitioner's  
6 ability to dispense controlled ~~[+]~~substances~~[+]~~ in the ~~[State]~~  
7 state until authorized by the administrator."

8       SECTION 8. Section 329-104, Hawaii Revised Statutes, is  
9 amended to read as follows:

10       "**§329-104 Confidentiality of information; disclosure of**  
11 **information.** (a) The information collected under this part  
12 shall not be available to the public or used for any commercial  
13 purpose. Ownership of all data collected shall reside with the  
14 State.

15       (b) Responsibility for limiting access to information in  
16 the system is vested in the administrator. Access to the  
17 information collected at the central repository pursuant to this  
18 part shall be confidential, and access to the information shall  
19 be limited to~~[+]~~

20       ~~(1) Personnel]~~ personnel of the designated state agency~~[+]~~

21       and



1       ~~(2) The Drug Enforcement Administration diversion group~~  
2           ~~supervisor]~~.

3       (c) This section shall not prevent the disclosure, at the  
4 discretion of the administrator, of investigative information  
5 to:

6       (1) Law enforcement officers, investigative agents of  
7 federal, state, or county law enforcement agencies,  
8 United States attorneys, county prosecuting attorneys,  
9 or the attorney general; provided that the  
10 administrator has reasonable grounds to believe that  
11 the disclosure of any information collected under this  
12 part is in furtherance of an ongoing criminal or  
13 regulatory investigation or prosecution;

14       (2) Registrants authorized under chapters 448, 453, and  
15 463E who are registered to administer, prescribe, or  
16 dispense controlled substances; provided that the  
17 information disclosed relates only to the registrant's  
18 own patient;

19       (3) Pharmacists, employed by a pharmacy registered under  
20 section 329-32, who request prescription information  
21 about a customer relating to a violation or possible  
22 violation of this chapter; or





(4) Other state-authorized governmental prescription-  
monitoring programs.

Information disclosed to a registrant, pharmacist, or authorized  
government agency under this section shall be transmitted by a  
secure means determined by the designated agency.

(d) No person shall knowingly disclose or attempt to  
disclose, or use or attempt to use, information in the system in  
violation of this section. Any person who violates this section  
is guilty of a class C felony.

~~[(e) The designated state agency shall purge or cause to  
be purged from the central repository system, no later than  
three years after the date a patient's prescription data are  
made available to the designated state agency, the  
identification number of the patient, unless the information is  
part of an active investigation.] "~~

SECTION 9. Statutory material to be repealed is bracketed  
and stricken. New statutory material is underscored.

SECTION 10. This Act shall take effect upon its approval.



**Report Title:**  
Controlled Substances

**Description:**  
Makes Hawaii's controlled substance laws consistent with that of federal law, and clarifies sections of chapter 329 relating to controlled substances. (HB2592 HD1)

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

