THE SENATE
TWENTY-EIGHTH LEGISLATURE, 2015
STATE OF HAWAII

S.B. NO. 189

JAN 2 3 2015

A BILL FOR AN ACT

RELATING TO THE SCHEDULING OF MARIJUANA.

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

SECTION 1. The legislature finds that the medical use of marijuana has existed in the State since 2000 when Hawaii became the first state to accept the medical use of marijuana by the legislative process. However, despite fourteen years of medical use by thousands of patients in the State, marijuana still remains in schedule I, while coca and poppy, plants that contain substances far more dangerous than any substance found in marijuana, are listed in schedule II.

The legislature further finds that Hawaii's administrative process for making recommendations to the legislature on the scheduling of controlled substances is devoid of any scientific or medical input from the department of health. Therefore, statutory changes are needed in order to include the department of health in this process.

The purpose of this Act is to remove marijuana and its intrinsic cannabinoids from schedule I and require the department of public safety, in consultation with the department

of health, to issue a recommendation for the rescheduling of marijuana.

SECTION 2. Section 329-11, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) Annually, upon the convening of each regular session of the state legislature, the department of public safety shall report to the legislature additions, deletions, or revisions in the schedules of substances enumerated in sections 329-14, 329-16, 329-18, 329-20, and 329-22, and any other recommendations that it deems necessary. Three months prior to the convening of each regular session, the department of public safety shall post public notice, at the state capitol and in the office of the lieutenant governor for public inspection, of the department's recommendations to the legislature concerning any additions, deletions, or revisions in these schedules; provided that the posting shall not be required if official notice has been received that the substance has been added, deleted, or rescheduled as a controlled substance under federal law. In making a determination regarding a substance, the department of public safety, in consultation with the department of health,

shall assess the degree of danger or probable danger of the substance by considering the following:

(1) The actual or probable abuse of the substance including:

(A) Its history and current pattern of abuse;

(B) The scope, duration, and significance of abuse; and

(C) A judgment of the degree of actual or probable detriment that may result from the abuse of the substance;

(2) The biomedical hazard of the substance including:

(A) Its pharmacology: the effects and modifiers of effects of the substance;

(B) Its toxicology: the acute and chronic toxicity, interaction with other substances whether controlled or not, and liability to psychic or physiological dependence;

(C) Risk to public health and particular susceptibility of segments of the population; and

(D) Existence of therapeutic alternatives for substances that are or may be used for medical purposes;

(3) A judgment of the probable physical and social impact of widespread abuse of the substance;

(4) Whether the substance is an immediate precursor of a substance already controlled under this part; and

(5) The current state of scientific knowledge regarding the substance.

(b) After considering a scientific and medical evaluation from the department of health regarding the factors enumerated in subsection (a) [~~,~~] and conducting formal rulemaking proceedings pursuant to chapter 91, the department of public safety shall make a recommendation to the legislature, specifying to what schedule the substance should be added, deleted, or rescheduled if it finds that the substance has a degree of danger or probable danger. The evaluation and recommendations of the department of health shall be made in writing and submitted to the department of public safety no later than October 1, 2015. The recommendations of the department of health shall be binding on the department of

public safety as to such scientific and medical matters. If the department of health recommends that a drug or other substance not be controlled, the department of public safety shall not recommend control of the drug or other substance. Recommendations of the department of health shall become effective immediately. The department of public safety may make its recommendation to the legislature prior to the submission of its annual report, in which case the department of public safety shall publish and give notice to the public of the recommendation."

SECTION 3. Section 329-14, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (d) to read:

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

(1) Alpha-ethyltryptamine (AET);

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

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

(4) 3,4-methylenedioxy amphetamine;

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

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

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

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

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

(10) 4-Bromo-2,5-dimethoxyphenethylamine (Nexus);

(11) 3,4,5-trimethoxy amphetamine;

(12) Bufotenine;

(13) 4-methoxyamphetamine (PMA);

(14) Diethyltryptamine;

(15) Dimethyltryptamine;

(16) 4-methyl-2,5-dimethoxy-amphetamine;

(17) Gamma hydroxybutyrate (GHB) (some other names include gamma hydroxybutyric acid; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

(18) Ibogaine;

(19) Lysergic acid diethylamide;

[~~(20) Marijuana;~~

~~(21)~~] (20) Parahexyl;

[~~(22)~~] (21) Mescaline;

[~~(23)~~] (22) Peyote;

[~~(24)~~] (23) N-ethyl-3-piperidyl benzilate;

[~~(25)~~] (24) N-methyl-3-piperidyl benzilate;

[~~(26)~~] (25) Psilocybin;

[~~(27)~~] (26) Psilocyn;

[~~(28)~~] (27) 1-[1-(2-Thienyl) cyclohexyl] Pyrrolidine (TCPy);

[~~(29)~~] (28) Ethylamine analog of phencyclidine (PCE);

[~~(30)~~] (29) Pyrrolidine analog of phencyclidine (PCPy, PHP);

[~~(31)~~] (30) Thiophene analog of phencyclidine (TPCP; TCP);

[~~(32)~~] (31) Gamma-butyrolactone, including butyrolactone; butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone dihydro; dihydro-2(3H)furanone; tetrahydro-2-furanone; 1,2-butanolide; 1,4-butanolide; 4-butanolide; gamma-hydroxybutyric acid lactone; 3-hydroxybutyric acid lactone and 4-hydroxybutanoic acid lactone with Chemical Abstract Service number 96-48-0 when any such substance is intended for human ingestion;

[~~(33)~~] (32) 1,4 butanediol, including butanediol; butane-1,4-diol; 1,4- butylenes glycol; butylene glycol; 1,4-dihydroxybutane; 1,4- tetramethylene glycol; tetramethylene glycol; tetramethylene 1,4- diol with Chemical Abstract Service number 110-63-4 when any such substance is intended for human ingestion;

[~~(34)~~] (33) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts, and salts of isomers;

[~~(35)~~] (34) N-benzylpiperazine (BZP; 1-benzylpiperazine) its optical isomers, salts, and salts of isomers;

[~~(36)~~] (35) 1-(3-trifluoromethylphenyl)piperazine (TFMPP), its optical isomers, salts, and salts of isomers;

[~~(37)~~] (36) Alpha-methyltryptamine (AMT), its isomers, salts, and salts of isomers;

[~~(38)~~] (37) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts, and salts of isomers;

[~~(39)~~] (38) Salvia divinorum;

[~~(40)~~] (39) Salvinorin A;

[~~(41)~~] (40) Divinorin A;

[~~(42)~~] (41) 5-Methoxy-N,N-Dimethyltryptamine (5-MeO-DIPT) (some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT);

[~~(43)~~] (42) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

[~~(44)~~] (43) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

[~~(45)~~] (44) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

[~~(46)~~] (45) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

[~~(47)~~] (46) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

[~~(48)~~] (47) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

[~~(49)~~] (48) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

[~~(50)~~] (49) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);

[~~(51)~~] (50) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);

[~~(52)~~] (51) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and

geometric isomers, salts, and salts of isomers (Other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5);

[~~(53)~~] (52) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82); and

[~~(54)~~] (53) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36)."

2. By amending subsection (g) to read:

"(g) Any of the following cannabinoids, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

[~~(1) Tetrahydrocannabinols; meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. or synthetic substances, derivatives, and their isomers with~~

~~similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers; Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; and Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions, are covered);~~

[~~(2)~~] (1) Naphthoylindoles; meaning any compound containing a 3-(1-naphthoyl) indole structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent;

[~~(3)~~] (2) Naphthylmethylindoles; meaning any compound containing a 1H-indol-3-yl-(1-naphthyl) methane

structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent;

[~~(4)~~] (3) Naphthoylpyrroles; meaning any compound containing a 3-(1-naphthoyl) pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent;

[~~(5)~~] (4) Naphthylmethylindenes; meaning any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not further

substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent;

[~~(6)~~] (5) Phenylacetylindoles; meaning any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent;

[~~(7)~~] (6) Cyclohexylphenols; meaning any compound containing a 2-(3-hydroxycyclohexyl) phenol structure with substitution at the 5-position of the phenolic ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not substituted in the cyclohexyl ring to any extent;

[~~(8)~~] (7) Benzoylindoles; meaning any compound containing a 3-(benzoyl) indole structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,

1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent;

[~~(9)~~] (8) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-napthalenylmethanone (another trade name is WIN 55,212-2);

[~~(10)~~] (9) (6a,10a)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (other trade names are: HU-210 and HU-211);

[~~(11)~~] (10) Tetramethylcyclopropanoylindoles; meaning any compound containing a 3-tetramethylcyclopropanoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group,

whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent;

[~~(12)~~] (11) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: APINACA, AKB48);

[~~(13)~~] (12) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: PB-22; QUPIC);

[~~(14)~~] (13) Quinolin-8-yl 1-(5fluoropentyl)-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 5-fluoro-PB-22; 5F-PB-22);

[~~(15)~~] (14) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: AB-FUBINACA); and

[~~(16)~~] (15) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide, its optical,

positional, and geometric isomers, salts, and salts of isomers (Other names: ADB-PINACA)."

SECTION 4. The department of public safety, in consultation with the department of health, shall make its recommendations for the rescheduling of marijuana and tetrahydrocannabinols no later than October 1, 2015. These recommendations shall become effective immediately.

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

SECTION 6. This Act shall take effect on July 1, 2015.

INTRODUCED BY: _____

S.B. NO. 189

Report Title:
Marijuana; Rescheduling; Department of Health; Department of Public Safety

Description:
Removes marijuana and its intrinsic cannabinoids from schedule I and requires the department of public safety, in consultation with the department of health, to issue a recommendation for the rescheduling of marijuana.

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