
A BILL FOR AN ACT

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

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

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

3 1. By adding six new definitions to be appropriately
4 inserted and to read:

5 "Medical marijuana dispensary" shall have the same meaning
6 as in section 329D-1.

7 "Medical marijuana production center" shall have the same
8 meaning as in section 329D-1.

9 "Retail dispensing location" shall have the same meaning as
10 in section 329D-1.

11 "Pharmacy delegate" means an individual employed by the
12 pharmacy and selected by the pharmacist to act as that
13 pharmacist's agent to whom the pharmacist has delegated the task
14 of accessing electronic prescription accountability system
15 information and that pharmacist takes full responsibility for
16 the actions of that delegate.

17 "Practitioner delegate" means an agent or employee of a
18 practitioner (physician, dentist, veterinarian, advanced



1 practice registered nurse with prescriptive authority, or
2 physician assistant) to whom the practitioner has delegated the
3 task of accessing electronic prescription accountability system
4 information and that practitioner takes full responsibility for
5 the actions of that delegate.

6 "Reverse distributor" means a registrant who is registered
7 under section 329-32 to receive controlled substances acquired
8 from another state certified controlled substance registrant for
9 the purpose of:

- 10 (1) Returning unwanted, unusable, or outdated controlled
11 substances to the manufacturer or the manufacturer's
12 agent; or
13 (2) Where necessary, processing such substances or
14 arranging for processing such substances for disposal
15 as authorized by the administrator."

16 2. By amending the definitions of "dispense" and "locum
17 tenens practitioner" to read:

18 ""Dispense" means to deliver a controlled substance to an
19 ultimate user or research subject by or pursuant to the lawful
20 order of a practitioner, including the [~~prescribing,~~]
21 administering[~~7~~] of practitioner's controlled substances,



1 packaging, labeling, or compounding necessary to prepare the
2 substance for that delivery. A controlled substance is
3 dispensed when:

- 4 (1) It is compounded, prepared, labeled, and packaged
5 pursuant to the lawful order of a practitioner by a
6 licensed pharmacist acting in the usual course of his
7 professional practice and who is either registered
8 individually or employed in a registered pharmacy or
9 by a registered institutional practitioner, for
10 delivery to the ultimate user;
- 11 (2) It is compounded, prepared, labeled and packaged for
12 delivery to the ultimate user by a practitioner acting
13 in the usual course of his professional practice;
- 14 (3) It is prepared, labeled, and packaged pursuant to the
15 lawful order of a practitioner by a registered health
16 care professional acting as an agent of the
17 practitioner for delivery to the ultimate user by the
18 practitioner; or
- 19 (4) It is prepackaged by a pharmacist for use in an
20 emergency facility for delivery to the ultimate user



1 by a licensed or registered health care professional
2 pursuant to the order of a physician.

3 "Locum tenens practitioner" means a practitioner[+/-

4 ~~(1) who] who~~ is licensed in this State and [~~registered~~
5 ~~under section 329-32 to administer, prescribe, or~~
6 ~~dispense a controlled substance in the course of~~
7 ~~professional practice,~~] who temporarily substitutes
8 for another [~~registered~~] practitioner for a period not
9 to exceed sixty days at that other practitioner's
10 registered place of business[~~and~~

11 ~~(2) Whose Drug Enforcement Administration controlled~~
12 ~~substance registration number has not been transferred~~
13 ~~to the State of Hawaii].~~

14 Locum tenens practitioners are not eligible to receive an oral
15 code number as designated by section [+]~~328-16(k)~~[+]."

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

18 "(b) Any of the following opiates, including their
19 isomers, esters, ethers, salts, and salts of isomers, esters,
20 and ethers, unless specifically excepted, whenever the existence



1 of these isomers, esters, ethers, and salts is possible within
2 the specific chemical designation:

- 3 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-
4 phenethyl)-4-piperidinyl]-N-phenylacetamide);
- 5 (2) Acetylmethadol;
- 6 (3) Allylprodine;
- 7 (4) Alphacetylmethadol (except levo-alphacetylmethadol,
8 levomethadyl acetate, or LAAM);
- 9 (5) Alphameprodine;
- 10 (6) Alphamethadol;
- 11 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-
12 phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-
13 2-phenylethyl)-4-(N-propanilido) piperidine);
- 14 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
15 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- 16 (9) Benzethidine;
- 17 (10) Betacetylmethadol;
- 18 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
19 piperidinyl]-N-phenylpropanamide);



- 1 (12) Beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-
- 2 phenethyl)-3-methyl-4-piperidinyl]-N-
- 3 phenylpropanamide);
- 4 (13) Betameprodine;
- 5 (14) Betamethadol;
- 6 (15) Betaprodine;
- 7 (16) Clonitazene;
- 8 (17) Dextromoramide;
- 9 (18) Diampromide;
- 10 (19) Diethylthiambutene;
- 11 (20) Difenoxin;
- 12 (21) Dimenoxadol;
- 13 (22) Dimepheptanol;
- 14 (23) Dimethylthiambutene;
- 15 (24) Dioxaphetyl butyrate;
- 16 (25) Dipipanone;
- 17 (26) Ethylmethylthiambutene;
- 18 (27) Etonitazene;
- 19 (28) Etoxeridine;
- 20 (29) Furethidine;
- 21 (30) Hydroxypethidine;



- 1 (31) Ketobemidone;
- 2 (32) Levomoramide;
- 3 (33) Levophenacylmorphan;
- 4 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 5 piperidyl]-N-phenylpropanamide);
- 6 (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-
- 7 4-piperidinyl]-N-phenylpropanamide);
- 8 (36) Morpheridine;
- 9 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 10 (38) Noracymethadol;
- 11 (39) Norlevorphanol;
- 12 (40) Normethadone;
- 13 (41) Norpipanone;
- 14 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
- 15 phenethyl)-4-piperidinyl] propanamide;
- 16 (43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;
- 17 (44) Phenadoxone;
- 18 (45) Phenampromide;
- 19 (46) Phenomorphan;
- 20 (47) Phenoperidine;
- 21 (48) Piritramide;



- 1 (49) Proheptazine;
2 (50) Properidine;
3 (51) Propiram;
4 (52) Racemoramide;
5 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
6 piperidinyl]-propanamide);
7 (54) Tilidine;
8 (55) Trimeperidine;
9 (56) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide
10 (benzylfentanyl), its optical isomers, salts, and
11 salts of isomers; ~~and~~
12 (57) N-[1-(2-thienyl)methyl-4-piperidyl]-N-
13 phenylpropanamide (thenylfentanyl), its optical
14 isomers, salts, and salts of isomers~~[-]~~; and
15 (58) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide,
16 (acetyl fentanyl) its optical, positional, and
17 geometric isomers, salts, and salts of isomers."

18 SECTION 3. Section 329-14, Hawaii Revised Statutes, is
19 amended by amending subsection (g) to read as follows:

20 "(g) Any of the following cannabinoids, their salts,
21 isomers, and salts of isomers, unless specifically excepted,



1 whenever the existence of these salts, isomers and salts of
2 isomers is possible within the specific chemical designation:

3 (1) Tetrahydrocannabinols; meaning tetrahydrocannabinols
4 naturally contained in a plant of the genus Cannabis
5 (cannabis plant), as well as synthetic equivalents of
6 the substances contained in the plant, or in the
7 resinous extractives of Cannabis, sp. or synthetic
8 substances, derivatives, and their isomers with
9 similar chemical structure and pharmacological
10 activity to those substances contained in the plant,
11 such as the following: Delta 1 cis or trans
12 tetrahydrocannabinol, and their optical isomers; Delta
13 6 cis or trans tetrahydrocannabinol, and their optical
14 isomers; and Delta 3,4 cis or trans-
15 tetrahydrocannabinol, and its optical isomers (since
16 nomenclature of these substances is not
17 internationally standardized, compounds of these
18 structures, regardless of numerical designation of
19 atomic positions, are covered);

20 (2) Naphthoylindoles; meaning any compound containing a 3-
21 (1-naphthoyl)indole structure with substitution at the



1 nitrogen atom of the indole ring by a alkyl,
2 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
3 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)
4 ethyl group, whether or not further substituted in the
5 indole ring to any extent and whether or not
6 substituted in the naphthyl ring to any extent;

7 (3) Naphthylmethylindoles; meaning any compound containing
8 a 1H-indol-3-yl-(1-naphthyl) methane structure with
9 substitution at the nitrogen atom of the indole ring
10 by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
11 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or
12 2-(4-morpholinyl) ethyl group whether or not further
13 substituted in the indole ring to any extent and
14 whether or not substituted in the naphthyl ring to any
15 extent;

16 (4) Naphthoylpyrroles; meaning any compound containing a
17 3-(1-naphthoyl) pyrrole structure with substitution at
18 the nitrogen atom of the pyrrole ring by a alkyl,
19 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
20 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)
21 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) 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) 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) Cyclohexylphenols; meaning any compound containing a
2-(3-hydroxycyclohexyl) phenol structure with
substitution at the 5-position of the phenolic ring by



- 1 a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
2 cycloalkylethyl, 1-(N-methyl-2-piperidiny) methyl or
3 2-(4-morpholinyl) ethyl group whether or not
4 substituted in the cyclohexyl ring to any extent;
- 5 (8) Benzoylindoles; meaning any compound containing a 3-
6 (benzoyl) indole structure with substitution at the
7 nitrogen atom of the indole ring by a alkyl,
8 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
9 1-(N-methyl-2-piperidiny) methyl or 2-(4-morpholinyl)
10 ethyl group whether or not further substituted in the
11 indole ring to any extent and whether or not
12 substituted in the phenyl ring to any extent; and
- 13 (9) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)
14 pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
15 naphthalenylmethanone (another trade name is WIN
16 55,212-2);
- 17 (10) (6a,10a)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-
18 methyloctan-2-yl)-6a,7,10,10a-
19 tetrahydrobenzo[c]chromen-1-ol (other trade names are:
20 HU-210 and HU-211);



- (11) 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) 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) 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) Quinolin-8-yl 1-(5-fluoropentyl)-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) 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);
- (16) 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);
- (17) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: AB-CHMINACA);
- (18) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide, and geometric isomers, salts, and salts of isomers (Other names: AB-PINACA);
- (19) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone, and geometric isomers, salts, and salts of isomers (Other names: THJ-2201);
- (20) Methyl (1-(4-fluorobenzyl)-1 H-indazole-3-carbonyl)-L-valinate, and geometric isomers, salts, and salts of isomers (Other names: FUB-AMB);



- (21) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate, and geometric isomers, salts, and salts of isomers (Other names: 5-fluoro-AMB, 5-fluoro-AMP);
- (22) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide, and geometric isomers, salts, and salts of isomers (Other names: AKB48 N-(5-fluoropentyl) analog, 5F-AKB48, APINACA 5-fluoropentyl analog, 5F-APINACA);
- (23) N-adamantyl-1-fluoropentylindole-3-Carboxamide, and geometric isomers, salts, and salts of isomers (Other names: STS-135, 5F-APICA; 5-fluoro-APICA); [and]
- (24) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate, and geometric isomers, salts, and salts of isomers (Other names: NM2201) [~~+~~]; and
- (25) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide, and geometric isomers, salts, and salts of isomers (Other names: MAB-CHMINACA and ADB-CHMINACA)."

SECTION 4. Section 329-20, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:



1 "(e) Other substances. Unless specifically excepted or
2 unless listed in another schedule, any material, compound,
3 mixture, or preparation which contains any quantity of the
4 following substances, including its [salts: ~~Pentazocine.~~]
5 optical isomers and its salts, isomers, and salts of isomers:

6 (1) Pentazocine; and

7 (2) Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-
8 2,6-dimethylphenyl]-1-oxopropyl][(1S)-1-(4-phenyl-1H-
9 imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic
10 acid."

11 SECTION 5. Section 329-23, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§329-23 Republishing** [~~and distribution~~] **of schedules.**

14 [~~(a)~~] The department of public safety shall [~~republish~~]
15 make available to the public on the department's website the
16 schedules annually or more often, as may be necessary to update
17 the schedules.

18 [~~(b)~~] ~~The department of public safety shall publicly~~
19 ~~announce and, in addition, shall make available to the public~~
20 ~~copies of any changes to the schedules as such changes are~~
21 ~~made.] "~~



1 SECTION 6. Section 329-31, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§329-31 Rules. The department of public safety may
4 promulgate rules and charge reasonable fees relating to the
5 registration and control of the manufacture, distribution,
6 ~~[prescription, and]~~ prescribing, dispensing ~~[of]~~, storage,
7 conducting research, reverse distribution, or chemical analysis
8 with controlled substances within this State."

9 SECTION 7. Section 329-32, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By amending subsections (a) and (b) to read:

12 "(a) Every person who:

13 (1) Manufactures, distributes, prescribes, ~~[or]~~ dispenses,
14 stores, conducts research, conducts reverse
15 distribution, or chemical analysis with any controlled
16 substance within this State;

17 (2) Proposes to engage in the manufacture, distribution,
18 prescription, ~~[or]~~ dispensing, storage, research,
19 reverse distribution, or chemical analysis of any
20 controlled substance within this State; or



(3) Dispenses or proposes to dispense any controlled substance for use in this State by shipping, mailing, or otherwise delivering the controlled substance from a location outside this State;

shall obtain a registration issued by the department of public safety in accordance with the department's rules. A licensed or registered health care professional who acts as the authorized agent of a practitioner and who administers controlled substances at the direction of the practitioner shall not be required to obtain a registration.

(b) Persons registered by the department of public safety under this chapter to manufacture, distribute, prescribe, dispense, store, ~~[or]~~ conduct research, conduct reverse distribution, or chemical analysis with controlled substances may possess, manufacture, distribute, prescribe, dispense, store, ~~[or]~~ conduct research, or chemical analysis with those substances to the extent authorized by their registration and in conformity with this part."

2. By amending subsection (e) to read:

"(e) A separate registration shall be required at each principal place of business or professional practice where the



1 applicant manufactures, distributes, prescribes, [~~or~~] dispenses,
2 stores, conducts research, conducts reverse distribution, or
3 chemical analysis with controlled substances, except an office
4 used by a practitioner (who is registered at another location)
5 where controlled substances are prescribed but neither
6 administered nor otherwise dispensed as a regular part of the
7 professional practice of the practitioner at such office, and
8 where no supplies of controlled substances are maintained."

9 SECTION 8. Section 329-33, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By amending subsection (a) to read:

12 "(a) The department of public safety shall register an
13 applicant to manufacture, dispense, prescribe, [~~or~~] distribute,
14 store, conduct research, conduct reverse distribution, or
15 chemical analysis with controlled substances included in
16 sections 329-14, 329-16, 329-18, 329-20, and 329-22 unless it
17 determines that the issuance of that registration would be
18 inconsistent with the public interest. In determining the
19 public interest, the department of public safety shall consider
20 the following factors:



1 (1) Maintenance of effective controls against diversion of
2 controlled substances into other than legitimate
3 medical, scientific, or industrial channels;

4 (2) Compliance with applicable state and local law;

5 (3) Any convictions of the applicant under any federal and
6 state laws relating to any controlled substance;

7 (4) Past experience in the manufacture or distribution of
8 controlled substances, and the existence in the
9 applicant's establishment of effective controls
10 against diversion;

11 (5) Furnishing by the applicant of false or fraudulent
12 material in any application filed under this chapter;

13 (6) Suspension, revocation, or surrender of the
14 applicant's federal registration to manufacture,
15 distribute, prescribe, or dispense controlled
16 substances as authorized by federal law; and

17 (7) Any other factor relevant to and consistent with the
18 public health and safety."

19 2. By amending subsection (c) to read:

20 "(c) Practitioners must be registered to dispense or to
21 prescribe any controlled substances or to conduct research with



1 controlled substances in schedules II through V if they are
2 authorized to dispense or to prescribe or conduct research under
3 the law of this State. The department of public safety need not
4 require separate registration under this part for practitioners
5 engaging in research with nonnarcotic controlled substances in
6 schedules II through V where the registrant is already
7 registered under this part in another capacity. [~~Practitioners~~
8 ~~registered under federal law to conduct research with schedule I~~
9 ~~substances may conduct research with schedule I substances~~
10 ~~within this State upon furnishing the department of public~~
11 ~~safety evidence of that federal registration.]"~~

12 SECTION 9. Section 329-34, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) A registration under section 329-33 to manufacture,
15 distribute, [~~or~~] dispense, store, conduct research, conduct
16 reverse distribution, or chemical analysis with a controlled
17 substance may be suspended or revoked by the department of
18 public safety upon a finding that the registrant:

- 19 (1) Has furnished false or fraudulent material information
20 in any application filed under this chapter;



(2) Has been convicted of a felony or has been granted a motion for the deferral of acceptance of a guilty plea or a nolo contendere plea to a felony, pursuant to chapter 853 and under any state or federal law relating to any controlled substance;

(3) Has had the registrant's federal registration suspended or revoked to manufacture, distribute, prescribe, ~~[or]~~ dispense, store, conduct research, conduct reverse distribution, or chemical analysis with controlled substances; or

(4) Has had the registrant's state license to practice the registrant's profession suspended or revoked by the applicable governing state board."

SECTION 10. Section 329-36, Hawaii Revised Statutes, is amended to read as follows:

"§329-36 Records of registrants. Persons registered to manufacture, distribute, prescribe, ~~[or]~~ dispense, store, conduct research, conduct reverse distribution, or chemical analysis with controlled substances under this chapter shall keep records and maintain inventories in conformance with the



1 recordkeeping and inventory requirements of federal law and with
2 any additional rules the department of public safety issues."

3 SECTION 11. Section 329-37, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§329-37 **Filing requirements.** All persons registered to
6 manufacture, distribute, conduct reverse distribution, or
7 dispense controlled substances and all persons who transport,
8 warehouse, or otherwise handle controlled substances, shall file
9 with the department of public safety on forms and within the
10 time and manner prescribed by the department of public safety,
11 copies of order, receipt and distribution of schedule I and
12 schedule II controlled substances and other controlled
13 substances designated by the department of public safety,
14 showing the amounts of such controlled substances ordered,
15 received, distributed, transported, warehoused, or otherwise
16 handled."

17 SECTION 12. Section 329-38, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) No controlled substance in schedule II may be
20 dispensed without a written prescription of a practitioner,
21 except:



(1) In the case of an emergency situation, a pharmacist may dispense a controlled substance listed in schedule II upon receiving oral authorization from a prescribing practitioner; provided that:

(A) The quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period (dispensing beyond the emergency period must be pursuant to a written prescription signed by the prescribing practitioner);

(B) If the prescribing practitioner is not known to the pharmacist, the pharmacist shall make a reasonable effort to determine that the oral authorization came from a registered practitioner, which may include a callback to the prescribing practitioner using the phone number in the telephone directory or other good faith efforts to identify the prescriber; and

(C) Within seven days after authorizing an emergency oral prescription, the prescribing practitioner shall cause a written prescription for the



1 emergency quantity prescribed to be delivered to
2 the dispensing pharmacist. In addition to
3 conforming to the requirements of this
4 subsection, the prescription shall have written
5 on its face "Authorization for Emergency
6 Dispensing". The written prescription may be
7 delivered to the pharmacist in person or by mail,
8 and if by mail, the prescription shall be
9 postmarked within the seven-day period. Upon
10 receipt, the dispensing pharmacist shall attach
11 this prescription to the oral emergency
12 prescription, which had earlier been reduced to
13 writing. The pharmacist shall notify the
14 administrator if the prescribing practitioner
15 fails to deliver a written prescription to the
16 pharmacy within the allotted time. Failure of
17 the pharmacist to do so shall void the authority
18 conferred by this paragraph to dispense without a
19 written prescription of a prescribing individual
20 practitioner. Any practitioner who fails to
21 deliver a written prescription within the seven-



1 day period shall be in violation of section 329-

2 41(a)(1);

3 (2) No schedule II narcotic controlled substance may be
4 prescribed or dispensed for more than a thirty-day
5 supply;

6 ~~[(2)]~~ (3) When dispensed directly by a practitioner, other
7 than a pharmacist, to the ultimate user. The
8 practitioner in dispensing a controlled substance in
9 schedule II shall affix to the package a label
10 showing:

11 (A) The date of dispensing;

12 (B) The name, strength, and quantity of the drug
13 dispensed;

14 (C) The dispensing practitioner's name and address;

15 (D) The name of the patient;

16 (E) The "use by" date for the drug, which shall be:

17 (i) The expiration date on the manufacturer's or
18 principal labeler's container; or

19 (ii) One year from the date the drug is

20 dispensed, whichever is earlier; and



1 (F) Directions for use, and cautionary statements, if
2 any, contained in the prescription or as required
3 by law.

4 A complete and accurate record of all schedule II
5 controlled substances ordered, administered,
6 prescribed, and dispensed shall be maintained for five
7 years. Prescriptions and records of dispensing shall
8 otherwise be retained in conformance with the
9 requirements of section 329-36. No prescription for a
10 controlled substance in schedule II may be refilled;
11 or

12 [~~3~~] (4) In the case of an electronic prescription, a
13 pharmacist may dispense a controlled substance listed
14 in schedule II upon receiving an electronic
15 prescription."

16 SECTION 13. Section 329-49, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) Any person who violates this chapter or any rule
19 adopted by the department pursuant to this chapter shall be
20 fined not more than \$10,000 for each separate offense. Any
21 action taken to collect the penalty provided for in this



1 subsection shall be considered a civil action and the fine shall
2 be deposited into the [~~state general fund.~~] controlled substance
3 registration revolving fund pursuant to section 329-59."

4 SECTION 14. Section 329-52, Hawaii Revised Statutes, is
5 amended by amending subsection (c) to read as follows:

6 "(c) For purposes of this section, "controlled premises"
7 means:

8 (1) Places where persons registered or exempted from
9 registration requirements under this chapter are
10 required to keep records; and

11 (2) Places, including factories, warehouses,
12 establishments, and conveyances in which persons
13 registered or exempted from registration requirements
14 under this chapter are permitted to hold, manufacture,
15 compound, process, sell, dispense, deliver, conduct
16 chemical analysis, or otherwise dispose of any
17 controlled substance or regulated chemical designated
18 under section 329-61."

19 SECTION 15. Section 329-54, Hawaii Revised Statutes, is
20 amended by amending subsection (c) to read as follows:



1 "(c) A practitioner engaged in medical research is not
2 required or compelled to furnish the name or identity of a
3 research subject to the department of public safety, nor may the
4 practitioner be compelled in any state or local civil, criminal,
5 administrative, legislative, or other proceedings to furnish the
6 name or identity of any research subject that the practitioner
7 is obligated to keep confidential[-] unless the subject violates
8 section 329-41 or 329-46 or commits an offense pursuant to part
9 IV of chapter 712."

10 SECTION 16. Section 329-59, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) The fund shall consist of all moneys derived from
13 fees collected pursuant to sections 329-31 and 329-67 [~~and~~],
14 legislative appropriations[-], and fines collected pursuant to
15 section 329-49. All fees collected pursuant to sections 329-31
16 and 329-67 and fines collected pursuant to section 329-49 shall
17 be deposited in the controlled substance registration revolving
18 fund."

19 SECTION 17. Section 329-74, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



1 "(a) A person commits the offense of unlawful transport of
2 pseudoephedrine if the person transports more than three
3 packages of any product the sale of which is restricted by
4 section 329-75 [~~without a permit issued from the department~~]."

5 SECTION 18. Section 329-101, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) The designated state agency shall determine those
8 schedules of controlled substances, classes of controlled
9 substances, and specific controlled substances that are
10 purportedly being misused and abused in the State. As part of
11 the controlled substance registration process, all
12 practitioners, except veterinarians, and pharmacies shall be
13 registered with the department to utilize the electronic
14 prescription accountability system. No identified controlled
15 substances may be dispensed unless information relevant to the
16 dispensation of the substance is reported electronically or by
17 means indicated by the designated state agency to the central
18 repository established under section 329-102, in accordance with
19 rules adopted by the department."

20 SECTION 19. Section 329-104, Hawaii Revised Statutes, is
21 amended by amending subsection (c) to read as follows:



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

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

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

19 (3) Pharmacists[+] or pharmacist delegates, employed by a
20 pharmacy registered under section 329-32, who request
21 prescription information about a customer relating to



1 a violation or possible violation of this chapter;

2 [~~or~~]

3 (4) Other state-authorized governmental prescription-
4 monitoring programs~~[-]~~;

5 (5) The chief medical examiner or licensed physician
6 designee who requests information and certifies the
7 request is for the purpose of investigating the death
8 of an individual;

9 (6) Qualified personnel for the purpose of bona fide
10 research or education; however, data elements that
11 would reasonably identify a specific recipient,
12 prescriber, or dispenser shall be deleted or redacted
13 from the information prior to disclosure; and provided
14 further that release of the information may be made
15 only pursuant to a written agreement between qualified
16 personnel and the administrator in order to ensure
17 compliance with this subsection; and

18 (7) Other entities or individuals authorized by the
19 administrator to assist the program with projects that
20 enhance the electronic prescription accountability
21 system.



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

4 SECTION 20. Section 329-31.5, Hawaii Revised Statutes, is
5 repealed.

6 ~~["§329-31.5 Clinics. Registration as a clinic is required~~
7 ~~when an out-patient medical facility maintains centralized~~
8 ~~ordering, storage, and record keeping of controlled substances~~
9 ~~to be administered and/or dispensed to patients. Registration~~
10 ~~of a clinic requires that:~~

11 ~~(1) Each location where controlled substances are stocked~~
12 ~~be registered by name, location, and designated~~
13 ~~principal practitioner or affiliated pharmacy. The~~
14 ~~principal practitioner or affiliated pharmacy shall be~~
15 ~~responsible for the accurate maintenance of records~~
16 ~~which document all controlled substances ordered,~~
17 ~~received, administered, and dispensed within the~~
18 ~~clinic;~~

19 ~~(2) Controlled substances stocked at a clinic under the~~
20 ~~clinic State of Hawaii and Drug Enforcement~~
21 ~~Administration registration numbers be administered to~~



1 ~~clinic patients by licensed or registered health care~~
2 ~~professionals under the supervision of the treating~~
3 ~~practitioner;~~

4 ~~(3) Controlled substances stocked at a clinic under the~~
5 ~~clinic State of Hawaii and Drug Enforcement~~
6 ~~Administration registration numbers be dispensed to~~
7 ~~clinic patients only by the treating practitioner for~~
8 ~~emergency and urgent care, when a written prescription~~
9 ~~would not be practical;~~

10 ~~(4) A centralized record signed and dated by the treating~~
11 ~~practitioner which indicates the patient, controlled~~
12 ~~substance, date and time of administration and/or~~
13 ~~dispensing be maintained and stored with the current~~
14 ~~controlled substance inventory, ordering, and receipt~~
15 ~~records. These records shall be maintained for five~~
16 ~~years; and~~

17 ~~(5) A clinic practitioner who individually maintains a~~
18 ~~personal stock of controlled substances does so under~~
19 ~~the practitioner's individual State and Drug~~
20 ~~Enforcement Administration registration number. These~~
21 ~~controlled substances shall be kept separate from~~



1 ~~clinic stock and cannot be accessed by other~~
2 ~~practitioners.~~

3 ~~The term "affiliated pharmacy" as used in this section~~
4 ~~means a licensed pharmacy which supplies and monitors the~~
5 ~~controlled substances stocked in a registered clinic.~~

6 ~~The term "clinic" as used in this section means an out-~~
7 ~~patient medical facility owned and operated by a legal entity~~
8 ~~that employs individual practitioners for the treatment of~~
9 ~~patients and which may or may not provide after-hours emergency~~
10 ~~or urgent care.~~

11 ~~The term "principal physician" means the practitioner in a~~
12 ~~clinic whose signature appears on the clinic's State of Hawaii~~
13 ~~and Drug Enforcement Administration registrations, and who is~~
14 ~~responsible for the proper maintenance, storage, and record~~
15 ~~keeping of the controlled substances ordered and centrally~~
16 ~~stocked in the clinic using the clinic Drug Enforcement~~
17 ~~Administration registration number."]~~

18 SECTION 21. Section 329-73, Hawaii Revised Statutes, is
19 repealed.

20 ~~["~~[§329-73] Pseudoephedrine permit.~~ (a) Beginning~~
21 ~~January 1, 2006, any person transporting by any means more than~~



1 ~~three packages of any product the sale of which is restricted by~~
2 ~~section 329-75 shall obtain a pseudoephedrine permit.~~

3 ~~(b) The requirements imposed by [subsection] (a) shall not~~
4 ~~apply to persons registered with the department under section~~
5 ~~329-67. A pseudoephedrine permit shall be issued by the~~
6 ~~department in a form and manner as prescribed by the department~~
7 ~~by rule. A pseudoephedrine permit shall be valid for one year~~
8 ~~and renewable annually."}]~~

9 SECTION 22. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 23. This Act shall take effect upon its approval.

12



Report Title:

Uniform Controlled Substances Act; Electronic Prescriptions;
Veterinarian

Description:

Updates chapter 329, Hawaii Revised Statutes (HRS), to make it consistent with amendments in federal controlled substances law as required under section 329-11, HRS; amends section 329-1, HRS, to clarify existing definitions to be consistent with federal controlled substance law; deletes definitions no longer utilized under federal law; adds new definitions to allow the use of "delegates" by practitioners and pharmacists to access the electronic prescription accountability system; clarifies that individuals storing, conducting research, reverse distribution and analytical analysis with controlled substances must register with department of public safety and follow appropriate controlled substance statutes and rules; amends section 329-23, HRS, to take advantage of technology in the posting of updates to Hawaii's drug schedules on the department's website; amends section 329-38, HRS, to be consistent with federal limitations on the prescribing of schedule II narcotic controlled substances; mandates that the collections of fines under section 329-49, HRS, be deposited into the state controlled substance registration revolving fund to support the program; deletes the requirement for a pseudoephedrine permit for transporting over 3 grams of pseudoephedrine as required under sections 329-73 and 329-74, HRS; amends chapter 329, part VIII, HRS, by adding language to mandate the requirement that all practitioners, except veterinarians, and pharmacies register to utilize the electronic prescription accountability system when they obtain a controlled substance registration; authorizes the Department of Public Safety Narcotics Enforcement Division Administrator to allow access to state, county, or federal regulatory agencies to the database when conducting joint regulatory investigations. (SD1)

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

