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

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

9 (1) Opium and opiate, and any salt, compound, derivative,
10 or preparation of opium or opiate, excluding
11 apomorphine, thebaine-derived butorphanol,
12 dextrorphan, nalbuphine, nalmefene, naloxegol,
13 naloxone, and naltrexone, and their respective salts,
14 but including the following:

- 15 (A) Raw opium;
16 (B) Opium extracts;
17 (C) Opium fluid;



- 1 (D) Powdered opium;
- 2 (E) Granulated opium;
- 3 (F) Codeine;
- 4 (G) Ethylmorphine;
- 5 (H) Etorphine hydrochloride;
- 6 (I) Hydrocodone;
- 7 (J) Hydromorphone;
- 8 (K) Metopon;
- 9 (L) Morphine;
- 10 (M) Oxycodone;
- 11 (N) Oxymorphone;
- 12 (O) Thebaine;
- 13 (P) Dihydroetorphine;
- 14 (Q) Oripavine; and
- 15 (R) Tincture of opium;
- 16 (2) Any salt, compound, isomer, derivative, or preparation
- 17 thereof which is chemically equivalent or identical
- 18 with any of the substances referred to in paragraph
- 19 (1), but not including the isoquinoline alkaloids of
- 20 opium;
- 21 (3) Opium poppy and poppy straw;



- 1 (4) Coca leaves and any salt, compound, derivative, or
- 2 preparation of coca leaves, and any salt, compound,
- 3 derivative, or preparation thereof which is chemically
- 4 equivalent or identical with any of these substances,
- 5 but not including decocanized coca leaves or
- 6 extractions which do not contain cocaine or ecgonine;
- 7 cocaine or any salt or isomer thereof; and
- 8 (5) Concentrate of poppy straw (the crude extract of poppy
- 9 straw in either liquid, solid, or powder form that
- 10 contains the phenanthrene alkaloids of the opium
- 11 poppy). "

12 SECTION 2. Section 329-38, Hawaii Revised Statutes, is
 13 amended by amending subsection (f) to read as follows:

14 "(f) The effectiveness of a prescription for the purposes
 15 of this section shall be determined as follows:

- 16 (1) A prescription for a controlled substance shall be
- 17 issued for a legitimate medical purpose by an
- 18 individual practitioner acting in the usual course of
- 19 the practitioner's professional practice. The
- 20 responsibility for the proper prescribing and
- 21 dispensing of controlled substances shall be upon the



1 prescribing practitioner, but a corresponding
2 responsibility shall rest with the pharmacist who
3 fills the prescription. An order purporting to be a
4 prescription issued not in the usual course of
5 professional treatment or for legitimate and
6 authorized research shall not be deemed a prescription
7 within the meaning and intent of this section, and the
8 person who knowingly fills such a purported
9 prescription, as well as the person who issues the
10 prescription, shall be subject to the penalties
11 provided for violations of this chapter;

12 (2) A prescription may not be issued to allow an
13 individual practitioner to obtain controlled
14 substances for supplying the individual practitioner
15 for the purpose of general dispensing to patients;

16 ~~[(3) A prescription may not be issued for the dispensing~~
17 ~~of narcotic drugs listed in any schedule for the~~
18 ~~purpose of "detoxification treatment" or "maintenance~~
19 ~~treatment" except as follows:~~

20 ~~(A) The administering or dispensing directly (but not~~
21 ~~prescribing) of narcotic drugs listed in any~~



1 ~~schedule to a narcotic drug dependent person for~~
2 ~~"detoxification treatment" or "maintenance~~
3 ~~treatment" shall be deemed to be "in the course~~
4 ~~of a practitioner's professional practice or~~
5 ~~research" so long as the practitioner is~~
6 ~~registered separately with the department and the~~
7 ~~federal Drug Enforcement Agency as required by~~
8 ~~section 329 32(e) and complies with Title 21 Code~~
9 ~~of Federal Regulations section 823(g) and any~~
10 ~~other federal or state regulatory standards~~
11 ~~relating to treatment qualification, security,~~
12 ~~records, and unsupervised use of drugs; and~~

13 ~~(B) Nothing in this section shall prohibit a~~
14 ~~physician or authorized hospital staff from~~
15 ~~administering or dispensing, but not prescribing,~~
16 ~~narcotic drugs in a hospital to maintain or~~
17 ~~detoxify a person as an incidental adjunct to~~
18 ~~medical or surgical treatment of conditions other~~
19 ~~than addiction;]~~

20 (3) A prescription may not be issued for "detoxification
21 treatment" or "maintenance treatment," unless the



1 prescription is for a Schedule III, IV, or V narcotic
2 drug approved by the Food and Drug Administration
3 specifically for use in maintenance or detoxification
4 treatment and the practitioner is in compliance with
5 title 21 Code of Federal Regulations section 1301.28,
6 the registration requirements of section 329-32(e),
7 and any other federal or state regulatory standards
8 relating to treatment qualification, security,
9 records, and unsupervised use of drugs;

10 (4) A practitioner may administer or dispense directly
11 (but not prescribe) a narcotic drug listed in any
12 schedule to a narcotic dependent person for the
13 purpose of maintenance or detoxification treatment if
14 the practitioner meets both of the following
15 conditions:

16 (A) The practitioner is separately registered with
17 the DEA as a narcotic treatment program; and

18 (B) The practitioner is in compliance with DEA
19 regulations regarding treatment qualifications,
20 security, records, and unsupervised use of the
21 drugs pursuant to this chapter;



1 (5) Nothing in this section shall prohibit a physician who
2 is not specifically registered to conduct a narcotic
3 treatment program from administering (but not
4 prescribing) narcotic drugs to a person for the
5 purpose of relieving acute withdrawal symptoms when
6 necessary while arrangements are being made for
7 referral for treatment. Not more than one day's
8 medication may be administered to the person or for
9 the person's use at one time. Such emergency
10 treatment may be carried out for not more than three
11 days and may not be renewed or extended;
12 (6) This section is not intended to impose any limitations
13 on a physician or authorized hospital staff to
14 administer or dispense narcotic drugs in a hospital to
15 maintain or detoxify a person as an incidental adjunct
16 to medical or surgical treatment of conditions other
17 than addiction, or to administer or dispense narcotic
18 drugs to persons with intractable pain in which no
19 relief or cure is possible or none has been found
20 after reasonable efforts;



1 (7) A practitioner may administer or dispense (including
2 prescribe) any Schedule III, IV, or V narcotic drug
3 approved by the Food and Drug Administration
4 specifically for use in maintenance or detoxification
5 treatment to a narcotic dependent person if the
6 practitioner complies with the requirements of title
7 21 Code of Federal Regulations section 1301.28, the
8 registration and any requirements of section 329-
9 32(e), and any other federal or state regulatory
10 standards relating to treatment qualification,
11 security, records, and unsupervised use of drugs;

12 [~~4~~] (8) An individual practitioner shall not prescribe or
13 dispense a substance included in schedule II, III, IV,
14 or V for that individual practitioner's personal use,
15 except in a medical emergency; and

16 [~~5~~] (9) A pharmacist shall not dispense a substance
17 included in schedule II, III, IV, or V for the
18 pharmacist's personal use."

19 SECTION 3. Section 329-49, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



1 "(a) Any person who violates this chapter or any rule
2 adopted by the department pursuant to this chapter shall be
3 fined not more than \$10,000 for each separate offense. Any
4 action taken to collect the penalty provided for in this
5 subsection shall be considered a civil action and the fine shall
6 be deposited into the [~~state general fund.~~] controlled substance
7 registration revolving fund pursuant to section 329-59."

8 SECTION 4. Section 329-59, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

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

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

19 SECTION 6. This Act shall take effect on July 1, 2090.



Report Title:

Uniform Controlled Substances Act

Description:

Updates The State Uniform Controlled Substance Act consistent with federal law to authorize the prescription of drugs including buprenorphine and naloxone for detoxification treatment and maintenance treatment. Deposits fines for violation of the Act into the Controlled Substance Registration Revolving Fund. (HB1132 HD1)

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