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# A BILL FOR AN ACT

RELATING TO THE 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;  
18           (D) Powdered opium;



- 1 (E) Granulated opium;
- 2 (F) Codeine;
- 3 (G) Ethylmorphine;
- 4 (H) Etorphine hydrochloride;
- 5 (I) Hydrocodone;
- 6 (J) Hydromorphone;
- 7 (K) Metopon;
- 8 (L) Morphine;
- 9 (M) Oxycodone;
- 10 (N) Oxymorphone;
- 11 (O) Thebaine;
- 12 (P) Dihydroetorphine;
- 13 (Q) Oripavine; and
- 14 (R) Tincture of opium;
- 15 (2) Any salt, compound, isomer, derivative, or preparation
- 16 thereof which is chemically equivalent or identical
- 17 with any of the substances referred to in paragraph
- 18 (1), but not including the isoquinoline alkaloids of
- 19 opium;
- 20 (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 of  
17          narcotic drugs listed in any schedule for the purpose  
18          of medically-managed withdrawal, otherwise known as  
19          "detoxification treatment", or "maintenance treatment"  
20          except as follows:



1 (A) The administering or dispensing directly (but not  
2 prescribing) of narcotic drugs listed in any  
3 schedule to a narcotic drug-dependent person for  
4 medically-managed withdrawal, otherwise known as  
5 "detoxification treatment", or "maintenance  
6 treatment" shall be deemed to be "in the course  
7 of a practitioner's professional practice or  
8 research" so long as the practitioner is  
9 registered separately with the department and the  
10 federal Drug Enforcement [~~Agency~~] Administration  
11 as required by section 329-32(e) and complies  
12 with [~~Title~~] title 21 [~~Code of Federal~~  
13 ~~Regulations~~] United States Code section 823(g)  
14 and any other federal or state regulatory  
15 standards relating to treatment qualification,  
16 security, records, and unsupervised use of drugs;  
17 [and]

18 (B) Nothing in this section shall prohibit a  
19 physician or authorized hospital staff from  
20 administering or dispensing, but not prescribing,  
21 narcotic drugs in a hospital to maintain or



1 detoxify a person as an incidental adjunct to  
2 medical or surgical treatment of conditions other  
3 than addiction;

4 (C) An individual practitioner may administer or  
5 dispense (including prescribe) any schedule II,  
6 III, IV, or V narcotic drug approved by the  
7 United States Food and Drug Administration  
8 specifically for use as a medically-managed  
9 withdrawal treatment, otherwise known as a  
10 "detoxification treatment", or "maintenance  
11 treatment" to a narcotic drug-dependent person;  
12 provided that the practitioner complies with the  
13 requirements of title 21 Code of Federal  
14 Regulations section 1301.28, the registration  
15 requirements of section 329-32(e), and any other  
16 federal or state regulatory standards relating to  
17 treatment qualification, security, records, and  
18 unsupervised use of drugs;

19 (D) Nothing in this section shall prohibit a  
20 physician who is not specifically registered to  
21 conduct a narcotic treatment program from



1 administering (but not prescribing) narcotic  
2 drugs to a person for the purpose of relieving  
3 acute withdrawal symptoms while arrangements are  
4 being made for a referral for treatment. Not  
5 more than one day of medication shall be  
6 administered to the person or for the person's  
7 use at one time. Such emergency treatment shall  
8 not be carried out for more than three days and  
9 shall not be renewed or extended; and

10 (E) This section is not intended to impose any  
11 limitations on a physician or authorized hospital  
12 staff to administer or dispense narcotic drugs in  
13 a hospital to maintain or detoxify a person as an  
14 incidental adjunct to medical or surgical  
15 treatment of conditions other than addiction, or  
16 to administer or dispense narcotic drugs to  
17 persons with intractable pain in which no relief  
18 or cure is possible or none has been found after  
19 reasonable efforts;

20 (4) An individual practitioner shall not prescribe or  
21 dispense a substance included in schedule II, III, IV,



1           or V for that individual practitioner's personal use,  
2           except in a medical emergency; and

3           (5) A pharmacist shall not dispense a substance included  
4           in schedule II, III, IV, or V for the pharmacist's  
5           personal use."

6           SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8           SECTION 4. This Act shall take effect on July 1, 2017.

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**Report Title:**

Controlled Substances Act; Prescriptions; Medically-managed  
Withdrawal Treatment; Detoxification Treatment; Maintenance  
Treatment

**Description:**

Amends Hawaii's controlled substances act to mirror federal regulations, which permit qualified practitioners to administer, dispense, and prescribe any schedule II, III, IV, or V narcotic drug approved by the Food and Drug Administration for use as a medically-managed withdrawal treatment, otherwise known as a detoxification treatment, or maintenance treatment; provided the practitioner complies with federal and state requirements. Allows physicians under certain circumstances to administer narcotic drugs to relieve acute withdrawal symptoms for not more than three days and to treat a person as an incidental adjunct to medical or surgical treatment. (SD1)

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