



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 9, 2018

GOV. MSG. NO. 1261

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 9, 2018, the following bill was signed into law:

HB2384 HD1 SD1

RELATING TO THE UNIFORM CONTROLLED
SUBSTANCES ACT
ACT 152 (18)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

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

SECTION 1. Section 329-16, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

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

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

- (A) Raw opium;
- (B) Opium extracts;
- (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 (h) to read as follows:

14 "(h) 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", also 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", also 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 as required by~~
11 ~~section 329-32(e) and complies with Title 21 Code~~
12 ~~of Federal Regulations section 823(g) and any~~
13 ~~other federal or state regulatory standards~~
14 ~~relating to treatment qualification, security,~~
15 ~~records, and unsupervised use of drugs; and~~
16 ~~(B) Nothing in this section shall prohibit a~~
17 ~~physician or authorized hospital staff from~~
18 ~~administering or dispensing, but not prescribing,~~
19 ~~narcotic drugs in a hospital to maintain or~~
20 ~~detoxify a person as an incidental adjunct to~~



~~medical or surgical treatment of conditions other
than addiction;]~~

(3) A prescription may not be issued for "medically
managed withdrawal", also known as "detoxification
treatment" or "maintenance treatment", unless the
prescription is for a schedule III, IV, or V narcotic
drug approved by the Food and Drug Administration
specifically for use in maintenance or detoxification
treatment and the practitioner is in compliance with
title 21 Code of Federal Regulations section 1301.28,
the registration requirements of section 329-32(e),
and any other federal or state regulatory standards
relating to treatment qualification, security,
records, and unsupervised use of drugs;

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



1 (A) The practitioner is separately registered with
2 the Drug Enforcement Administration as a narcotic
3 treatment program; and

4 (B) The practitioner is in compliance with Drug
5 Enforcement Administration regulations regarding
6 treatment qualifications, security, records, and
7 unsupervised use of the drugs pursuant to this
8 chapter;

9 (5) Nothing in this section shall prohibit a physician who
10 is not specifically registered to conduct a narcotic
11 treatment program from administering (but not
12 prescribing) narcotic drugs to a person for the
13 purpose of relieving acute withdrawal symptoms when
14 necessary while arrangements are being made for
15 referral for treatment. Not more than one day's
16 medication may be administered to the person or for
17 the person's use at one time. Such emergency
18 treatment may be carried out for not more than three
19 days and may not be renewed or extended;

20 (6) This section is not intended to impose any limitations
21 on a physician or authorized hospital staff to



1 administer or dispense narcotic drugs in a hospital to
2 maintain or detoxify a person as an incidental adjunct
3 to medical or surgical treatment of conditions other
4 than addiction, or to administer or dispense narcotic
5 drugs to persons with intractable pain in which no
6 relief or cure is possible or none has been found
7 after reasonable efforts;

8 (7) A practitioner may administer or dispense (including
9 prescribe) any schedule III, IV, or V narcotic drug
10 approved by the Food and Drug Administration
11 specifically for use in maintenance or detoxification
12 treatment to a narcotic dependent person if the
13 practitioner complies with the requirements of title
14 21 Code of Federal Regulations section 1301.28, the
15 registration and any other requirements of section
16 329-32(e), and any other federal or state regulatory
17 standards relating to treatment qualification,
18 security, records, and unsupervised use of drugs;

19 ~~[-(4)-]~~ (8) An individual practitioner shall not prescribe or
20 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)]~~ (9) A pharmacist shall not dispense a substance
4 included in schedule II, III, IV, or V for the
5 pharmacist's 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 upon its approval.

APPROVED this 09 day of JUL , 2018



GOVERNOR OF THE STATE OF HAWAII



HB No. 2384, HD 1, SD 1

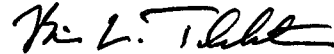
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2018
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki
Speaker
House of Representatives

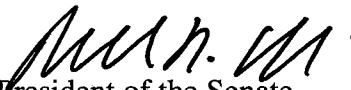


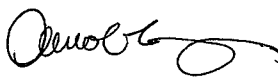
Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 10, 2018
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawai'i, Regular Session of 2018.


President of the Senate


Clerk of the Senate