
A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 SECTION 1. The legislature finds that the attorney general
2 in 2016 recommended amending the law regarding the authorized
3 prescription and dispensing of suboxone to identify, clarify,
4 and amend language that could be ambiguous.

5 The purpose of this Act is to clarify that treatment drugs
6 such as suboxone may be used in the maintenance and
7 detoxification of narcotic dependent persons.

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

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

16 (1) Opium and opiate, and any salt, compound, derivative,
17 or preparation of opium or opiate, excluding



1 apomorphine, thebaine-derived butorphanol,
2 dextrorphan, nalbuphine, nalmeфene, naloxegol,
3 naloxone, and naltrexone, and their respective salts,
4 but including the following:

- 5 (A) Raw opium;
- 6 (B) Opium extracts;
- 7 (C) Opium fluid;
- 8 (D) Powdered opium;
- 9 (E) Granulated opium;
- 10 (F) Codeine;
- 11 (G) Ethylmorphine;
- 12 (H) Etorphine hydrochloride;
- 13 (I) Hydrocodone;
- 14 (J) Hydromorphone;
- 15 (K) Metopon;
- 16 (L) Morphine;
- 17 (M) Oxycodone;
- 18 (N) Oxymorphone;
- 19 (O) Thebaine;
- 20 (P) Dihydroetorphine;
- 21 (Q) Oripavine; and



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

19 SECTION 3. Section 329-38, Hawaii Revised Statutes, is
20 amended by amending subsection (h) to read as follows:



1 "(h) The effectiveness of a prescription for the purposes
2 of this section shall be determined as follows:

- 3 (1) A prescription for a controlled substance shall be
4 issued for a legitimate medical purpose by an
5 individual practitioner acting in the usual course of
6 the practitioner's professional practice. The
7 responsibility for the proper prescribing and
8 dispensing of controlled substances shall be upon the
9 prescribing practitioner, but a corresponding
10 responsibility shall rest with the pharmacist who
11 fills the prescription. An order purporting to be a
12 prescription issued not in the usual course of
13 professional treatment or for legitimate and
14 authorized research shall not be deemed a prescription
15 within the meaning and intent of this section, and the
16 person who knowingly fills such a purported
17 prescription, as well as the person who issues the
18 prescription, shall be subject to the penalties
19 provided for violations of this chapter;
- 20 (2) A prescription may not be issued to allow an
21 individual practitioner to obtain controlled



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1 substances for supplying the individual practitioner
2 for the purpose of general dispensing to patients;

3 ~~[(3) A prescription may not be issued for the dispensing of~~
4 ~~narcotic drugs listed in any schedule for the purpose~~
5 ~~of "medically managed withdrawal", also known as~~
6 ~~"detoxification treatment", or "maintenance treatment"~~
7 ~~except as follows:~~

8 ~~(A) The administering or dispensing directly (but not~~
9 ~~prescribing) of narcotic drugs listed in any~~
10 ~~schedule to a narcotic drug dependent person for~~
11 ~~"medically managed withdrawal", also known as~~
12 ~~"detoxification treatment", or "maintenance~~
13 ~~treatment" shall be deemed to be "in the course~~
14 ~~of a practitioner's professional practice or~~
15 ~~research" so long as the practitioner is~~
16 ~~registered separately with the department and the~~
17 ~~federal Drug Enforcement Agency as required by~~
18 ~~section 329-32(c) and complies with Title 21 Code~~
19 ~~of Federal Regulations section 823(g) and any~~
20 ~~other federal or state regulatory standards~~



1 ~~relating to treatment qualification, security,~~
2 ~~records, and unsupervised use of drugs; and~~
3 ~~(B) Nothing in this section shall prohibit a~~
4 ~~physician or authorized hospital staff from~~
5 ~~administering or dispensing, but not prescribing,~~
6 ~~narcotic drugs in a hospital to maintain or~~
7 ~~detoxify a person as an incidental adjunct to~~
8 ~~medical or surgical treatment of conditions other~~
9 ~~than addiction;~~

10 ~~(4)]~~ (3) A prescription may not be issued for
11 detoxification treatment or maintenance treatment,
12 unless the prescription is for a schedule III, IV, or
13 V narcotic drug approved by the United States Food and
14 Drug Administration specifically for use in
15 maintenance or detoxification treatment and the
16 practitioner is in compliance with title 21 Code of
17 Federal Regulations section 1301.28 and federal or
18 state regulatory standards relating to treatment
19 qualifications, security, records, and the
20 unsupervised use of drugs;



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

7 (A) The practitioner is separately registered with
8 the federal Drug Enforcement Agency to conduct a
9 narcotic treatment program; and

10 (B) The practitioner is in compliance with the
11 federal Drug Enforcement Agency regulations
12 regarding treatment qualifications, security,
13 records, and unsupervised use of the drugs
14 pursuant to the federal Controlled Substances
15 Act;

16 (5) Nothing in this section shall prohibit a physician who
17 is not specifically registered to conduct a narcotic
18 treatment program from administering (but not
19 prescribing) narcotic drugs to a person for the
20 purpose of relieving acute withdrawal symptoms when
21 necessary while arrangements are being made for



1 referral for treatment. Not more than one day's
2 medication may be administered to the person or for
3 the person's use at one time. Emergency treatment may
4 be carried out for not more than three days and may
5 not be renewed or extended;

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

15 (7) A practitioner may administer or dispense (including
16 prescribe) any schedule III, IV, or V narcotic drug
17 approved by the United States Food and Drug
18 Administration specifically for use in maintenance or
19 detoxification treatment to a narcotic dependent
20 person if the practitioner complies with the
21 requirements of title 21 Code of Federal Regulations



1 section 1301.28 and federal and state regulatory
2 standards relating to treatment qualifications,
3 security, records, and unsupervised use of drugs;

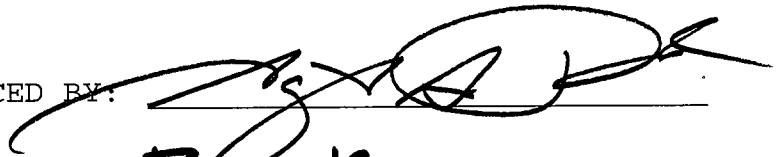

4 (8) An individual practitioner shall not prescribe or
5 dispense a substance included in schedule II, III, IV,
6 or V for that individual practitioner's personal use,
7 except in a medical emergency; and

8 ~~[(+5)]~~ (9) A pharmacist shall not dispense a substance
9 included in schedule II, III, IV, or V for the
10 pharmacist's personal use."

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval;
14 provided that the amendments made to section 329-38(h), Hawaii
15 Revised Statutes, in section 3 of this Act shall not be repealed
16 when section 329-38, Hawaii Revised Statutes, is reenacted on
17 June 30, 2023, pursuant to section 6 of Act 66, Session Laws of
18 Hawaii 2017.

19
INTRODUCED BY:

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Li Kr &

John M. M. M.

JAN 19 2018



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Report Title:

Administer, Dispense, or Prescribe Narcotic Drugs; Maintenance or Detoxification Treatment; Narcotic Dependent Person

Description:

Clarifies that treatment drugs such as suboxone may be used in the maintenance or detoxification of narcotic dependent persons.

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

