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JAN 24 2018

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, dextrophan, nalbuphine, nalmefene, naloxegol, naloxone, and naltrexone, and their respective salts, but including the following:

- (A) Raw opium;
- (B) Opium extracts;
- (C) Opium fluid;
- (D) Powdered opium;

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- 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;
- 21 (4) Coca leaves and any salt, compound, derivative, or
- 22 preparation of coca leaves, and any salt, compound,

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1 derivative, or preparation thereof which is chemically
2 equivalent or identical with any of these substances,
3 but not including decocanized coca leaves or
4 extractions which do not contain cocaine or ecgonine;
5 cocaine or any salt or isomer thereof; and

- 6 (5) Concentrate of poppy straw (the crude extract of poppy
7 straw in either liquid, solid, or powder form that
8 contains the phenanthrene alkaloids of the opium
9 poppy)."

10 SECTION 2. Section 329-38, Hawaii Revised Statutes, is
11 amended by amending subsection (h) to read as follows:

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

- 14 (1) A prescription for a controlled substance shall be
15 issued for a legitimate medical purpose by an
16 individual practitioner acting in the usual course of
17 the practitioner's professional practice. The
18 responsibility for the proper prescribing and
19 dispensing of controlled substances shall be upon the
20 prescribing practitioner, but a corresponding
21 responsibility shall rest with the pharmacist who
22 fills the prescription. An order purporting to be a

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1 prescription issued not in the usual course of
2 professional treatment or for legitimate and
3 authorized research shall not be deemed a prescription
4 within the meaning and intent of this section, and the
5 person who knowingly fills such a purported
6 prescription, as well as the person who issues the
7 prescription, shall be subject to the penalties
8 provided for violations of this chapter;

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

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

18 ~~(A) The administering or dispensing directly (but not~~
19 ~~prescribing) of narcotic drugs listed in any~~
20 ~~schedule to a narcotic drug-dependent person for~~
21 ~~"medically managed withdrawal", also known as~~
22 ~~"detoxification treatment" or "maintenance~~

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

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

18 (3) A prescription may not be issued for "medically
19 managed withdrawal", also known as "detoxification
20 treatment" or "maintenance treatment", unless the
21 prescription is for a schedule III, IV, or V narcotic
22 drug approved by the Food and Drug Administration

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1 specifically for use in maintenance or detoxification
2 treatment and the practitioner is in compliance with
3 title 21 Code of Federal Regulations section 1301.28,
4 the registration requirements of section 329-32(e),
5 and any other federal or state regulatory standards
6 relating to treatment qualification, security,
7 records, and unsupervised use of drugs;

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

14 (A) The practitioner is separately registered with
15 the Drug Enforcement Administration as a narcotic
16 treatment program.

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

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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;

21 (7) A practitioner may administer or dispense (including
22 prescribe) any schedule III, IV, or V narcotic drug

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approved by the Food and Drug Administration
specifically for use in maintenance or detoxification
treatment to a narcotic dependent person if the
practitioner complies with the requirements of title
21 Code of Federal Regulations section 1301.28, the
registration and any 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;

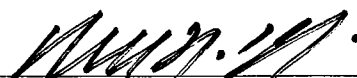
[+4+] (8) An individual practitioner shall not prescribe or
dispense a substance included in schedule II, III, IV,
or V for that individual practitioner's personal use,
except in a medical emergency; and

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

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

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: _____



BY REQUEST

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Report Title:

Uniform Controlled Substances Act

Description:

Updates chapter 329, Hawaii Revised Statutes, as follows:
amends sections 329-16 and 329-38(h) to be consistent with
federal law, by allowing prescribing authorization of drugs
which include buprenorphine and naloxone to patients undergoing
"medically managed withdrawal", also known as "detoxification
treatment" and "maintenance treatment" by practitioners who are
properly registered.

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

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JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

PURPOSE: Update chapter 329, Hawaii Revised Statutes (HRS), as follows: amend sections 329-16 and 329-38(h), HRS, to be consistent with federal law by allowing prescribing authorization of drugs including buprenorphine to patients undergoing "medically managed withdrawal", also known as "detoxification treatment" and "maintenance treatment" by practitioners who are properly registered.

MEANS: Amend sections 329-16(b) and 329-38(h), HRS.

JUSTIFICATION: Proposed amendments to chapter 329, HRS, will:

- (1) Amend section 329-16(b), schedule II, to list exclusions as provided for under title 21 Code of Federal Regulations (CFR) section 1308.12. This amendment excludes naloxone, as well as other opiate-based drugs, from schedule II, which would allow practitioners to prescribe them to patients undergoing "medically managed withdrawal", also known as "detoxification treatment" and "maintenance treatment."
- (2) Amend section 329-38(h), HRS, to allow prescribing of schedule III, IV, and V drugs as provided for under title 21 CFR sections 1306.04 and 1306.07. This amendment clarifies that buprenorphine, a schedule III drug, may be prescribed to patients undergoing "medically managed withdrawal", also known as "detoxification treatment" and "maintenance treatment" by practitioners who are registered separately with the department and the federal Drug Enforcement Administration as required by section 329-32(e), HRS, and comply with title 21 CFR section 1301.28. This amendment provides practitioners with

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prescribing authority for buprenorphine
consistent the federal Drug Abuse
Treatment Act of 2000 (DATA 2000).

Impact on the public: This bill updates
chapter 329 to be consistent with federal law,
facilitates accessibility of buprenorphine and
naloxone medication for substance abuse
treatment by practitioners.

Impact on the department and other agencies:
These proposed amendments would assist the
Department's Narcotics Enforcement Division in
its regulation of the Uniform Controlled
Substances Act and maintaining its law
enforcement, controlled substance
registration, Hawaii Prescription Database
Monitoring Program (HI-PDMP) and other
services it provides to prevent diversion and
drug abuse in the community.

GENERAL FUND: None.

OTHER FUNDS: None.

OTHER AFFECTED
AGENCIES: State Of Hawaii, Department of Health, Alcohol
and Drug Abuse Division.
Federal, State, and County law enforcement.

EFFECTIVE DATE: Upon approval.