
A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 SECTION 1. Section 329-40, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§329-40 Methadone treatment programs.** (a)
4 Notwithstanding any other provision of law to the contrary,
5 methadone may be administered or dispensed or both as part of a
6 state-registered and federal Substance Abuse and Mental Health
7 Services Administration approved methadone treatment program by
8 a practitioner who is licensed and registered under state and
9 federal law to administer and dispense methadone for patients or
10 by an agent of the practitioner, supervised by and under the
11 order of the practitioner. The agent must be a pharmacist,
12 registered nurse, or licensed practical nurse. The licensed
13 practitioner shall be responsible for the amounts of methadone
14 administered or dispensed in accordance with Substance Abuse and
15 Mental Health Services Administration regulations and shall
16 record, approve, and countersign all changes in dosage
17 schedules.



1 (b) Registration of a methadone treatment program requires
2 that:

3 (1) The methadone treatment program obtain a controlled
4 substance registration from the State of Hawaii and
5 the Drug Enforcement Administration;

6 (2) The medical director of a methadone treatment program
7 obtain a controlled substance registration from the
8 State of Hawaii and the Drug Enforcement
9 Administration at the location of the program;

10 (3) Admission to a methadone treatment program be limited
11 to the narcotic-dependent persons as defined in this
12 chapter;

13 (4) Unless otherwise stated in this chapter, admission to
14 a methadone treatment program be in accordance with
15 Title 21 Code of Federal Regulations Part 291 and
16 Title 42 Code of Federal Regulations Part 8;

17 (5) All medical orders including initial medication
18 orders, all subsequent medication order changes, all
19 changes in the frequency of take-home medication, and
20 the prescription of additional take-home medication



1 for emergency situations be authorized by a licensed
 2 registered physician employed by the program;

3 (6) Only the medical director or other designated program
 4 physician authorize a patient's admission for
 5 treatment in accordance with Title 21 Code of Federal
 6 Regulations Part 291 and Title 42 Code of Federal
 7 Regulations Part 8; [~~and~~]

8 (7) Take-home doses of methadone be dispensed to patients
 9 in accordance with Title 21 Code of Federal
 10 Regulations Part 291 and Title 42 Code of Federal
 11 Regulations Part 8, but shall not exceed a fourteen-
 12 day supply at any given time nor more than the maximum
 13 amount of take-homes for Levo-alphaacetylmethadol
 14 (LAAM/Orlamm) that would allow a patient to be away
 15 from the clinic for dosing for more than two weeks
 16 unless authorized by the state authority[~~-~~
 17 ~~The term "methadone treatment program" as]; and~~

18 (8) The methadone treatment program be located at least
 19 seven hundred fifty feet away from a protected area.

20 (c) As used in this section:



1 "Methadone treatment program" means an organization or a
2 person ~~[+]~~, including a private physician~~[+ that]~~, who
3 administers or dispenses methadone to a narcotic-dependent
4 person for maintenance or detoxification treatment and who
5 provides the medical and rehabilitative services required by
6 Title 21 Code of Federal Regulations Part 291 or Title 42 Code
7 of Federal Regulations Part 8 and is approved to do so by the
8 State and by the United States Substance Abuse and Mental Health
9 Services Administration, and who holds a controlled substance
10 registration as required by this chapter and the United States
11 Drug Enforcement Administration to use methadone for the
12 treatment of narcotic-dependent persons.

13 ~~[The term "narcotic-dependent person" as used in this~~
14 ~~section]~~ "Narcotic-dependent person" means an individual who
15 physiologically needs heroin or a morphine-like drug to prevent
16 the onset of signs of withdrawal.

17 ~~[The term "state authority" as used in this section]~~

18 "Protected area" shall have the same meaning as in
19 section 712-1249.6.



1 "State authority" means the agency within the State which
2 exercises the responsibility for governing the treatment of
3 narcotic-dependent persons with the narcotic drug methadone."

4 SECTION 2. Section 712-1249.6, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§712-1249.6 Promoting a controlled substance in, on, or
7 near [~~schools, school vehicles, public parks, or public housing~~
8 ~~projects or complexes.~~] a protected area. (1) A person commits
9 the offense of promoting a controlled substance in, on, or near
10 [~~schools, school vehicles, public parks, or public housing~~
11 ~~projects or complexes~~] a protected area if the person knowingly:

12 (a) Distributes or possesses with intent to distribute a
13 controlled substance in any amount in or on the real
14 property comprising a [~~school, public park, or public~~
15 ~~housing project or complex;~~] protected area;

16 (b) Distributes or possesses with intent to distribute a
17 controlled substance in any amount within seven
18 hundred [~~and~~] fifty feet of the real property
19 comprising a [~~school, public park, or public housing~~
20 ~~project or complex;~~] protected area;



1 (c) Distributes or possesses with intent to distribute a
2 controlled substance in any amount while on any school
3 vehicle, or within ten feet of a parked school vehicle
4 during the time that the vehicle is in service for or
5 waiting to transport school children; or

6 (d) Manufactures methamphetamine or any of its salts,
7 isomers, and salts of isomers, within seven hundred
8 [~~and~~] fifty feet of the real property comprising a
9 [~~school, public park, or public housing project or~~
10 ~~complex.~~] protected area.

11 (2) A person who violates subsection (1)(a), (b), or (c)
12 is guilty of a class C felony. A person who violates
13 subsection (1)(d) is guilty of a class A felony.

14 (3) Any person with prior conviction or convictions under
15 subsection (1)(a), (b), or (c) is punishable by a term of
16 imprisonment of not less than two years and not more than
17 ten years.

18 (4) Any individual convicted under subsection (3) of this
19 section shall not be eligible for parole until the individual
20 has served the minimum sentence required by such subsection.



1 (5) For the purposes of this section[, "~~school vehicle~~"
2 ~~means every school vehicle as defined in section 286-181 and any~~
3 ~~regulations adopted pursuant to that section.~~

4 ~~(6) For purposes of this section, "school" means any~~
5 ~~public or private preschool, kindergarten, elementary,~~
6 ~~intermediate, middle secondary, or high school.~~

7 ~~(7) For purposes of this section, "public housing project~~
8 ~~or complex" means a housing project directly controlled, owned,~~
9 ~~developed, or managed by the Hawaii public housing authority~~
10 ~~pursuant to the federal or state low rent public housing~~
11 ~~program.]:~~

12 "Group child care center" shall have the same meaning as in
13 section 346-151.

14 "Group child care home" shall have the same meaning as in
15 section 346-151.

16 "Protected area" means a school, public park, public
17 housing project or complex, group child care center, group child
18 care home, public recreation center, or youth services center.

19 "Public housing project or complex" means a housing project
20 directly controlled, owned, developed, or managed by the Hawaii



1 public housing authority pursuant to the federal or state low-
2 rent public housing program.

3 "School" means any public or private preschool,
4 kindergarten, elementary, intermediate, middle, secondary, or
5 high school.

6 "School vehicle" means every school vehicle, as defined in
7 section 286-181, and any regulations adopted pursuant to that
8 section.

9 "Youth services center" refers to a youth services center
10 established under section 352D-7."

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

13 SECTION 4. This Act shall take effect on July 1, 2060.

14



Report Title:

Controlled Substances; Methadone Treatment Program; Protected Areas

Description:

Expands the prohibition on promoting a controlled substance in, on, or near schools, school vehicles, public parks, and public housing projects or complexes to include group child care centers, group child care homes, public recreation centers, and youth services centers, collectively as protected areas. Requires methadone treatment programs to be located at least 750 feet away from protected areas. Effective 7/1/2060. (HD1)

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