

# S.B. NO. 3140

JAN 26 2022

## A BILL FOR AN ACT

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT MANDATORY  
REPORTING.

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

SECTION 1. Chapter 329, Hawaii Revised Statutes, is  
amended by adding to part III a new section to be appropriately  
designated and to read as follows:

"§329- Mandatory reporting. (a) Notwithstanding any  
other state law concerning confidentiality to the contrary, the  
holder of a controlled substances registration issued under  
section 329-32 who, in the holder's professional or official  
capacity, has reason to believe that a controlled substance in  
the holder's inventory has been stolen, embezzled, or otherwise  
obtained by fraud or diversion, shall immediately report the  
matter orally to the administrator.

(b) The initial oral report shall be followed as soon as  
practicable by a written report to the administrator; provided  
that:

(1) All written reports shall contain the name and address  
of the suspected perpetrator, if known, the nature and  
extent of the theft, embezzlement, fraud, or

1 diversion, and any other information that the reporter  
2 believes might be helpful or relevant to the  
3 investigation of the theft, embezzlement, fraud, or  
4 diversion; and

5 (2) This section shall not be construed to provide a basis  
6 for a cause of action against the administrator, or  
7 the department of public safety.

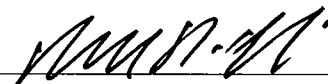
8 (c) Any person subject to subsection (a), upon demand of  
9 the administrator, shall provide all information related to the  
10 alleged incident of theft, embezzlement, fraud, or diversion,  
11 including but not limited to records, reports, and any image,  
12 film, video, or other electronic medium, that was not included  
13 in the written report submitted pursuant to subsection (b).

14 (d) Any person subject to this section who knowingly  
15 prevents another person from reporting, or who knowingly fails  
16 to provide information as required by this section, shall be  
17 guilty of a misdemeanor."

18 SECTION 2. New statutory material is underscored.

19 SECTION 3. This Act shall take effect upon its approval.

20  
21 INTRODUCED BY: \_\_\_\_\_



22 BY REQUEST

**Report Title:**

Uniform Controlled Substances Act; Mandatory Reporting

**Description:**

Creates a new section under chapter 329, Hawaii Revised Statutes, to require the holder of a controlled substances registration to immediately report orally the theft, embezzlement, fraud, or diversion of a controlled substance in the holder's inventory. Requires the submission of a written report to the administrator of the Narcotics Enforcement Division that provides all information related to the theft, embezzlement, fraud, or diversion of controlled substances in the holder's inventory, including but not limited to, records, reports, and any image, film, video, or other electronic medium. Establishes a misdemeanor penalty for a person who prevents another from reporting, or who knowingly fails to provide information as required.

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

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

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

PURPOSE: To establish the requirement, under chapter 329, Hawaii Revised Statutes (HRS), for the holder of a controlled substances registration to immediately report orally the theft, embezzlement, fraud, or diversion of controlled substances in the holder's inventory to the administrator of the Narcotics Enforcement Division, Department of Public Safety; to require the submission of a written report to the administrator as soon as practicable; and to establish a misdemeanor penalty for a person who prevents another from reporting, or who knowingly fails to provide information as required.

MEANS: Add a new section to part III of chapter 329, HRS.

JUSTIFICATION: This bill would greatly assist the Narcotics Enforcement Division to access information needed to investigate cases in which controlled substances have been stolen, fraudulently obtained, or diverted, and thereby, increase the likelihood of stopping criminal activity.

Impact on the public: This bill will provide greater protection for the public by affording enhanced information for the Narcotics Enforcement Division to track and enforce illegal activity.

Impact on the department and other agencies: A mandatory reporting mechanism will assist the Narcotics Enforcement Division, Department of Public Safety, with enhanced

information to enforce controlled substances laws more effectively.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: PSD 502.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval.