
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:

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

4 "§329- Mandatory reporting. (a) Notwithstanding any
5 other state law concerning confidentiality to the contrary, the
6 holder of a controlled substances registration issued under
7 section 329-32 who, in the holder's professional or official
8 capacity, has reason to believe that a controlled substance in
9 the holder's inventory has been stolen, embezzled, or otherwise
10 obtained by fraud or diversion, shall immediately report the
11 matter verbally to the administrator.

12 (b) The initial verbal report shall be followed as soon as
13 practicable by a written report to the administrator that shall
14 contain the name and address of the suspected perpetrator, if
15 known, the nature and extent of the theft, embezzlement, fraud,
16 or diversion, and any other information that the reporter



1 believes might be helpful or relevant to the investigation of
2 the theft, embezzlement, fraud, or diversion.

3 This section shall not be construed to provide a basis for
4 a cause of action against the administrator or the department.

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

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

15 SECTION 2. New statutory material is underscored.

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



Report Title:

Uniform Controlled Substances Act; Mandatory Reporting

Description:

Requires the holder of a controlled substances registration to immediately verbally report 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. (SD1)

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