
A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 SECTION 1. Section 329-33, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The department [~~of public safety~~] shall register an
4 applicant to manufacture, dispense, prescribe, distribute, or
5 conduct reverse distribution with controlled substances included
6 in sections 329-14, 329-16, 329-18, 329-20, and 329-22 unless
7 [~~it~~] the department determines that the issuance of that
8 registration would be inconsistent with the public interest. In
9 determining the public interest, the department [~~of public~~
10 ~~safety~~] shall consider the following factors:

- 11 (1) Maintenance of effective controls against diversion of
12 controlled substances into other than legitimate
13 medical, scientific, or industrial channels;
- 14 (2) Compliance with applicable state and local [~~law~~]
15 laws;
- 16 (3) Any convictions of the applicant under any federal and
17 state laws relating to any controlled substance;



- 1 (4) Past experience in the manufacture or distribution of
- 2 controlled substances, and the existence in the
- 3 applicant's establishment of effective controls
- 4 against diversion;
- 5 (5) Furnishing by the applicant of false or fraudulent
- 6 material in any application filed under this chapter;
- 7 (6) Suspension, revocation, or surrender of the
- 8 applicant's federal registration to manufacture,
- 9 distribute, prescribe, or dispense controlled
- 10 substances as authorized by federal law; and
- 11 (7) Any other factor relevant to and consistent with the
- 12 public health and safety[-], including but not limited
- 13 to the prevention of activities within the applicant's
- 14 areas that are potentially injurious to the health,
- 15 safety, and welfare of the public and neighborhood."

16 SECTION 2. (a) There is established within the department

17 of public safety, or its successor agency, for administrative

18 purposes a substance use disorder services clinic working group.

19 The working group shall consist of the following members:

- 20 (1) A representative from the department of public safety,
- 21 or its successor agency;



1 (2) A representative from the department of health; and

2 (3) A representative from the department of human
3 services.

4 (b) The chairperson of the working group shall invite the
5 following individuals to participate on the working group:

6 (1) A representative of a school located within seven
7 hundred fifty feet of a methadone clinic;

8 (2) A representative of a methadone clinic located within
9 seven hundred fifty feet of a school;

10 (3) A representative of the Healthcare Association of
11 Hawaii; and

12 (4) Any other members, including representatives from
13 state agencies, stakeholders, or advocates, deemed
14 necessary by members of the working group.

15 (c) The members of the working group shall select a
16 chairperson from among the members listed in subsection (a).

17 (d) The working group shall collaborate and consult to
18 develop recommendations to balance the needs of persons
19 receiving treatment for substance use disorders with the needs
20 of public safety.



1 (e) The working group shall submit a report of its
2 findings and recommendations, including any proposed
3 legislation, to the legislature no later than twenty days prior
4 to the convening of the regular session of 2024.

5 (f) The working group shall cease to exist on June 30,
6 2024.

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

9 SECTION 4. This Act shall take effect on June 30, 2050.



Report Title:

Controlled Substances Registration; Public Interest Factors;
Substance Use Disorder Services Clinic Working Group; Report

Description:

Includes as a factor for determining whether the issuance of a controlled substances registration is in the public interest the prevention of activities within an applicant's areas that are potentially injurious to the health, safety, and welfare of the public and neighborhood. Establishes a Substance Use Disorder Services Clinic Working Group to develop recommendations to balance the needs of persons receiving treatment for substance use disorders with the needs of public safety. Requires a report to the Legislature. Effective 6/30/2050. (SD1)

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

