ACT 114 H. B. NO. 290

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. **Purpose.** The legislature finds that: (1) pentazozine listed in Schedule III of S.B. 310, S.D. 1, H.D. 1, C.D. 1 is not a drug; (2) the spelling of "pentazozine" is similar to the spelling of the drug "pentazocine"; (3) pentazocine is not listed in the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended; (4) pentazocine is not listed in the Uniform Controlled Substances Act as recommended by the Commission on Uniform State Law; (5) the American Medical Association Council on Drug found that it should not be controlled; (6) the World Health Organization Expert Committee on Drug Dependence found that it should not be controlled; (7) "pentazozine" was mistakenly placed in S.B. 310, S.D. 1, H.D. 1, C.D. 1; and (8) "pentazocine" is a drug which should not be placed in Schedule III of S.B. 310, S.D. 1, H.D. 1, C.D. 1.

The legislature also finds that: (1) apomorphine listed in Schedule III of S.B. 310, S.D. 1, H.D. 1, C.D. 1 is listed in Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended; (2) the listing of apomorphine in Schedule II of S.B. 310, S.D. 1, H.D. 1, C.D. 1 will achieve uniformity in the Schedule of Substances found in the Comprehensive Drug Abuse Act of 1970, as amended, and S.B. 310, S.D. 1, H.D. 1, C.D. 1 and will simplify implementation of the control of substances on a uniform State and Federal basis.

The legislature further finds that: (1) the Hawaii Advisory Commission on Controlled Substances established in S.B. 310, S.D. 1, H.D. 1, C.D. 1 is intended in part to duplicate functions presently being performed by the Hawaii Committee on Drug Abuse which is administratively housed in the office of the governor; (2) the continuity of the programs and liaisons relating to substance abuse established by the Hawaii Committee on Drug Abuse is desirable; (3) the continuity can be maintained by amplifying the functions of the Hawaii Advisory Commission on Controlled Substances to include substance abuse and permitting it to remain in the office of the governor for administrative purposes.

The purpose of this act is to amend S.B. 310, S.D. 1, H.D. 1, C.D. 1 as an act, if it becomes an act by: (1) eliminating "pentazocine" from the schedule of substances contained therein, and further that it be scheduled, if at all, only after a standardized review of drugs including drugs of a similar nature and effect as "pentazocine"; (2) rescheduling "apomorphine" from Schedule III to Schedule II; and (3) amplifying the functions of the Hawaii Commission on Controlled Substances to include substance abuse; to allow it to sit in an advisory capacity to all State departments; and to permit it to remain in the office of the governor for administrative purposes.

SECTION 2. Senate Bill Number 310, S.D. 1, H.D. 1, C.D. 1, heretofore passed by the Sixth Legislature, Regular Session 1972, is amended in the following particulars:

(1) By amending Sec. 12 to read:

"**Sec. 12. Schedule III.** (a) The controlled substances listed in this section are included in Schedule III.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a degree of danger or probable danger associated with a stimulant effect on the central nervous system;

(1) Phenmetrazine and its salts;

(2) Methylphenidate.

(c) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a degree of danger or probable danger associated with a depressant effect on the central nervous system;

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other Schedules;

(2) Chlorhexadol;

(3) Glutethimide;

(4) Lysergic acid;

(5) Lysergic acid amide;

(6) Methyprylon;

(7) Phencyclidine;

(8) Sulfondiethylmethane;

(9) Sulfonethylmethane;

(10) Sulfonmethane.

(d) Nalorphine.

(3) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with

one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) The department may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections (b) and (c) from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system."

(2) By amending Sec. -10 to read:

"**Sec. -10. Schedule II.** (a) The controlled substances listed in this section are included in Schedule II.

(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.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Alphaprodine;

(2) Anileridine;

(3) Bezitramide;

(4) Dihydrocodeine;

(5) Diphenoxylate;
(6) Fentanyl;
(7) Isomethadone;
(8) Levomethorphan;
(9) Levorphanol;
(10) Metazocine;
(11) Methadone;
(12) Methadone—Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
(13) Moramide—Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
(14) Pethidine;
(15) Pethidine—Intermediate—A, 4-cyano-1-methyl-4-phenylpiperidine;
(16) Pethidine—Intermediate—B, ethyl-4-phenylpiperidine; 4-carboxylate;
(17) Pethidine—Intermediate—C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
(18) Phenazocine;
(19) Piminodine;
(20) Racemethorphan;
(21) Racemorphan.

(d) Any substance, except those substances which are specifically listed in other schedules, which contains the following barbituric acid derivatives or combinations of these substances: (1) secobarbital; (2) hexobarbital; (3) pentobarbital; (4) amobarbital; (5) apomorphine.

(e) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a danger or probable danger associated with a stimulant effect on the central nervous system;

(1) amphetamine, its salts, optical isomers, and salts of its optical isomers;
(2) any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers."

(3) By amending Sec. -4 to read:

"Sec. **-4. Duties of the commission.** The Commission shall:

(1) Act in an advisory capacity to the department relating to the scheduling of substances provided in part II of this chapter, by recommending the addition, deletion, or rescheduling of all substances enumerated in part II of this chapter.
(2) Act in an advisory capacity to the department relating to establishment and maintenance of the classes of controlled substances, as provided in part II of this chapter.
(3) Assist the department in coordinating all action programs of community agencies (State, county, military, or private) specifically focused on the problem of drug abuse.
(4) Assist the department in carrying out educational programs designed to prevent and deter abuse of controlled substances.

(5) Encourage research on abuse of controlled substances. In connection with such research, and in furtherance of the enforcement of this chapter, it may, with the approval of the director of health: (A) establish methods to assess accurately the effects of controlled substances and to identify and characterize controlled substances with potential for abuse; (B) make studies and undertake programs of research to:
(i) develop new or improved approaches, techniques, systems, equipment, and devices to strengthen the enforcement of this chapter.
(ii) determine patterns of abuse of controlled substances and the social effects thereof; and
(iii) improve methods for preventing, predicting, understanding, and dealing with the abuse of controlled substances.
(6) Create public awareness and understanding of the problems of drug abuse; and
(7) Sit in an advisory capacity to the governor and other State departments as may be appropriate on matters relating to the commission's work."

(4) By amending Sec. -2 to read:

"**Sec. -2. Hawaii advisory commission on drug abuse and controlled substances; number; appointment.** There shall be established a state advisory commission on drug abuse and controlled substances hereinafter called the commission, consisting of fifteen members appointed by the governor, as provided in section 26-34. The members shall be selected on the basis of their ability to contribute to the solution of problems arising from the abuse of controlled substances, and to the extent possible, shall represent the pharmacological, medical, community and business affairs, youth action, educational, legal defense, enforcement, and corrections segments of the community. The commission shall elect its chairman. The members shall serve without compensation, but shall be paid their necessary expenses in attending meetings of the commission.

The commission shall be a part of the office of the governor for administrative purposes, as provided for in section 26-35, Hawaii Revised Statutes."

SECTION 3. This Act shall take effect, upon approval, only if S.B. 310, S.D. 1, H.D. 1, C.D. 1 becomes an Act.

(Approved May 25, 1972.)