

ACT 112

H.B. NO. 451

A Bill for an Act Relating to Promoting a Dangerous Drug.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 712-1241, Hawaii Penal Code, is amended to read as follows:

**“Sec. 712-1241 Promoting a dangerous drug in the first degree.** (1) A person commits the offense of promoting a dangerous drug in the first degree if he knowingly:

- (a) Possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of:
  - (i) One ounce or more, containing any of the respective alkaloids or salts of heroin, morphine, or cocaine; or

- (ii) Two ounces or more, containing one or more of any of the other dangerous drugs; or
- (b) Distributes:
  - (i) Fifty or more capsules, tablets, ampules, dosage units, or syrettes containing one or more dangerous drugs; or
  - (ii) One or more preparations, compounds, mixtures, or substances of an aggregate weight of
    - (A) One-eighth ounce or more, containing any of the respective alkaloïds or salts of heroin, morphine, or cocaine; or
    - (B) One-half ounce or more, containing any other dangerous drug; or
- (c) Distributes any dangerous drug in any amount to a minor who is at least three years his junior.
- (2) Promoting a dangerous drug in the first degree is a class A felony.’’

SECTION 2. Section 712-1240, Hawaii Revised Statutes, is amended by the addition of a new definition, to be appropriately designated, and the amendment of the definitions of “practitioner” and “to distribute” to read as follows:

- “( ) “Dosage unit”, for purposes of section 712-1241 means an entity designed and intended for singular consumption or administration.
- (10) “Practitioner” means
  - (a) A physician, dentist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this State.
  - (b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, prescribe, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this State.
- (11) “To distribute” means to sell, transfer, prescribe, give, or deliver to another, or to leave, barter, or exchange with another, or to offer or agree to do the same; and’’

SECTION 3. New statutory material is underscored.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 25, 1979.)

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\*The text has been edited pursuant to HRS§23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.