

ACT 150

S.B. NO. 76

A Bill for an Act Relating to Controlled Substances.

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

SECTION 1. Section 329-14, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

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

- (1) Acetylmethadol;
- (2) Alfentanil;

- [(2)] (3) Allylprodine;
- [(3)] (4) Alphacetylmethadol;
- [(4)] (5) Alphameprodine;
- [(5)] (6) Alphamethadol;
- (7) Alpha-Methylfentanyl;
- [(6)] (8) Benzethidine;
- [(7)] (9) Betacetylmethadol;
- [(8)] (10) Betameprodine;
- [(9)] (11) Betamethadol;
- [(10)] (12) Betaprodine;
- [(11)] (13) Clonitazene;
- [(12)] (14) Dextromoramide;
- [(13)] (15) Diampromide;
- [(14)] (16) Diethylthiambutene;
- [(15)] (17) Difenoxin;
- [(16)] (18) Dimenoxadol;
- [(17)] (19) Dimepheptanol;
- [(18)] (20) Dimethylthiambutene;
- [(19)] (21) Dioxaphetyl butyrate;
- [(20)] (22) Dipipanone;
- [(21)] (23) Ethylmethylthiambutene;
- [(22)] (24) Etonitazene;
- [(23)] (25) Etoxidine;
- [(24)] (26) Furethidine;
- [(25)] (27) Hydroxypethidine;
- [(26)] (28) Ketobemidone;
- [(27)] (29) Levomoramide;
- [(28)] (30) Levophenacylmorphane;
- [(29)] (31) Morpheridine;
- [(30)] (32) Noracymethadol;
- [(31)] (33) Norlevorphanol;
- [(32)] (34) Normethadone;
- [(33)] (35) Norpipanone;
- (36) Parahexyl;
- [(34)] (37) Phenadoxone;
- [(35)] (38) Phenampromide;
- [(36)] (39) Phenomorphan;
- [(37)] (40) Phenoperidine;
- [(38)] (41) Piritramide;
- [(39)] (42) Proheptazine;
- [(40)] (43) Properidine;
- [(41)] (44) Propiram;
- [(42)] (45) Racemoramide;
- (46) Tilidine;
- [(43)] (47) Trimerperidine.”

SECTION 2. Section 329-16, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(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 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[.]; cocaine or any salt or isomer thereof.
- (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) Bulk Dextropropoxyphene (nondosage form);
 - (5) Dihydrocodeine;
 - (6) Diphenoxylate;
 - (7) Fentanyl;
 - (8) Isomethadone;
 - (9) Levomethorphan;
 - (10) Levorphanol;
 - (11) Metazocine;
 - (12) Methadone;
 - (13) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
 - (14) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
 - (15) Pethidine;
 - (16) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
 - (17) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
 - (18) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
 - (19) Phenazocine;
 - (20) Piminodine;
 - (21) Racemethorphan;
 - (22) Racemorphan[.];
 - (23) Sufentanil."

SECTION 3. Section 329-20, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Depressants. 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) Alprazolam;
- [(1)] (2) Barbitol;
- [(2)] (3) [Chloral betaine;] Bromazepam;
- [(3)] (4) [Chloral hydrate;] Camazepam;

- [(4)] (5) [Chlordiazepoxide;] Chloral betaine;
- [(5)] (6) [Clonazepam;] Chloral hydrate;
- [(6)] (7) [Clorazepate;] Chlordiazepoxide;
- [(7)] (8) [Diazepam;] Clobazam;
- [(8)] (9) [Ethchlorvynol;] Clonazepam;
- [(9)] (10) [Ethinamate;] Clorazepate;
- [(10)] (11) [Flurazepam;] Clotiazepam;
- [(11)] (12) [Lorazepam;] Cloxazolam;
- [(12)] (13) [Mebutamate;] Delorazepam;
- [(13)] (14) [Meprobamate;] Diazepam;
- [(14)] (15) [Methohexital;] Estazolam;
- [(15)] (16) [Methylphenobarbital;] Ethchlorvynol;
- [(16)] (17) [Oxazepam;] Ethinamate;
- [(17)] (18) [Paraldehyde;] Ethyl loflazepate;
- [(18)] (19) [Petrichloral;] Fludiazepam;
- [(19)] (20) [Phenobarbital;] Flunitrazepam;
- [(20)] (21) [Prazepam;] Flurazepam;
- (22) Halazepam;
- (23) Haloxazolam;
- (24) Ketazolam;
- (25) Loprazolam;
- (26) Lorazepam;
- (27) Lormetazepam;
- (28) Mebutamate;
- (29) Medazepam;
- (30) Meprobamate;
- (31) Methohexital;
- (32) Methylphenobarbital (mephobarbital);
- (33) Nimetazepam;
- (34) Nitrazepam;
- (35) Nordiazepam;
- (36) Oxazepam;
- (37) Oxazolam;
- (38) Paraldehyde;
- (39) Petrichloral;
- (40) Phenobarbital;
- (41) Pinazepam;
- (42) Prazepam;
- (43) Temazepam;
- (44) Tetrazepam;
- (45) Triazolam.”

SECTION 4. Section 329-22, Hawaii Revised Statutes, is amended to read as follows:

“§329-22 Schedule V. (a) The controlled substances listed in this section are included in Schedule V.

(b) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

- (1) Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;

- (2) Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams;
- (3) Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;
- (4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
- (5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
- (c) [Loperamide.] Buprenorphine."

SECTION 5. Section 329-55, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) In the event of the seizure of property described in subsection (a)(1) to (6), pursuant to subsection (b), proceedings under subsection (d) shall be instituted promptly. When property is seized under this chapter, the department shall report the fact of the seizure within ten days thereof to the prosecuting attorney of the county where the seizure was made. Within thirty days of the notification of the seizure, the prosecuting attorney shall cause to be filed in the circuit court in the county in which the property was seized, an action in rem, petitioning the court for forfeiture of the property. Upon the filing of the action, the court shall order the department to hold the property for further order of the court, and shall order that the owner of the seized property be served with notice of action. Notice of such action shall be made promptly in person, by registered mail, or by publication in accordance with section 634-23. At the expiration of twenty days after such [filing,] notice, if no claimant has appeared, the court shall order the property forfeited to the State, to be disposed of by the department in a manner consistent with subsection (e).

If a claim is made in response to the petition for forfeiture within the twenty-day period, the court shall schedule a hearing, at which time the State shall prove by preponderance of evidence that the property was used, intended to be used, furnished, or acquired in violation of this chapter. At the conclusion of such hearing, the court shall order the property forfeited to the State; provided that if any claimant proves the claimant's right to an exception under subsection (a)(4)(A), (B), or (C) the court shall order the return of the property or such portion of the property that is proved to be encumbered, to the bona fide owner, lienholder, or mortgagee."

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved May 31, 1985.)