# ACT 122

S.B. NO. 1593

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 (f) to read as follows:

"(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Aminorex;
(2) Cathinone;
[(2)] (3) Fenethylline;
[(3)] (4) Methcathinone;
[(4)] (5) N-ethylamphetamine;
[(5)] (6) 4-methylaminorex;
[(6)] (7) N,N-dimethylamphetamine."

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

"(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) Alfentanil;
(2) Alphaprodine;

(3) Anileridine;
(4) Bezitramide;
(5) Bulk Dextropropoxyphene (nondosage form);
(6) Carfentanil;
(7) Dihydrocodeine;
(8) Diphenoxylate;
(9) Fentanyl;
(10) Glutethimide;
(11) Levo-alphacetylmethadol (LAAM);
[(11)] (12) Isomethadone;
[(12)] (13) Levomethorphan;
[(13)] (14) Levorphanol;
[(14)] (15) Metazocine;
[(15)] (16) Methadone;
[(16)] (17) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
[(17)] (18) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
[(18)] (19) Pethidine;
[(19)] (20) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
[(20)] (21) Pethidine-Intermediate-B, ethyl-4 phenylpiperidine-4-carboxylate;
[(21)] (22) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
[(22)] (23) Phenazocine;
[(23)] (24) Piminodine;
[(24)] (25) Racemethorphan;
[(25)] (26) Racemorphan;
[(26)] (27) Sufentanil."

SECTION 3. Section 329-18, Hawaii Revised Statutes, is amended to read as follows:

"**§329-18 Schedule III.** (a) The controlled substances listed in this section are included in Schedule III.

(b) Stimulants. Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substance listed in Schedule II, and any other drug of the quantitative composition or which is the same except that it contains a lesser quantity of controlled substances;
(2) Benzphetamine;
(3) Chlorphentermine;
(4) Clortermine;
(5) Mazindol;
(6) Phendimetrazine.

(c) Depressants. Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;
(2) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;
(3) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof;
(4) Chlorexadol;
(5) Lysergic acid;
(6) Lysergic acid amide;
(7) Methyprylon;
(8) Sulfondiethylmethane;
(9) Sulfonethylmethane;
(10) Sulfonmethane;
(11) Tiletamine/Zolazepam (Telazol).

(d) Nalorphine.

(e) Any material, compound, mixture, or preparation containing limited quantities or 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 or 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 of public safety 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.

(g) Any anabolic steroid. The term "anabolic steroid" means any drug or hormonal substance chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

(1) Boldenone;
(2) Clostebol (4-Chlorotestosterone);
(3) Dehydrochlormethyltestosterone;
(4) Dihydrotestosterone (4-dihydrotestosterone);[1]
[(4)] (5) Drostanolone;
[(5)] (6) Ethylestrenol;
[(6)] (7) Fluoxymesterone;
[(7)] (8) Formebolone (Formyldienolone);
[(8)] (9) Mesterolone;
(10) Methandranone;[1]
[(9)] (11) Methandriol;
[(10)] (12) Methandrostenolone (Methandienone);
[(11)] (13) Methenolone;
[(12)] (14) Methyltestosterone;
[(13)] (15) Mibolerone;
[(14)] (16) Nandrolone;
[(15)] (17) Norethandrolone;
[(16)] (18) Oxandrolone;
[(17)] (19) Oxymesterone;
[(18)] (20) Oxymetholone;
[(19)] (21) Stanolone (Dihydrotestosterone)
[(20)] (22) Stanozolol;
[(21)] (23) Testolactone;
[(22)] (24) Testosterone;
[(23)] (25) Trenbolone; and
[(24)] (26) Any salt, ester, or isomer of a drug or substance described or listed in this subsection, if that salt, ester, or isomer promotes muscle growth[.], except the term "anabolic steroid" does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for nonhuman administration. If any person prescribes, dispenses, or distributes an anabolic steroid intended for administration to nonhuman species for human use, the person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph.

[(h) Penalties applied to anabolic steroids as a Schedule III drug are not applicable to anabolic steroids that are expressly intended for administration through implants to cattle or other nonhuman species, and that are approved by the United States Food and Drug Administration for such use.]"

SECTION 4. 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;
(2) Barbital;
(3) Bromazepam;

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

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 8, 1995.)

**Note**

1. Should be underscored.