

A Bill for an Act Relating to Controlled Substances.

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

SECTION 1. Section 329-41, Hawaii Revised Statutes, is amended to read as follows:

“§329-41 Prohibited acts B—penalties. (a) It is unlawful for any person:

- (1) Who is subject to part III to distribute or dispense a controlled substance in violation of section 329-38; however, a licensed manufacturer or wholesaler may sell or dispense a controlled substance to a master of a transpacific ship or a person in charge of a transpacific aircraft upon which no physician is regularly employed, for the actual medical needs of persons on board such ship or aircraft when not in port; provided [Schedule] schedule I or II controlled substances shall be sold to the master of such ship or person in charge of such aircraft only in accordance with the provisions set forth in 21 Code of Federal Regulations, sections 1301, 1305, and 1307, adopted pursuant to title 21, United States Code, section 821;
- (2) Who is a registrant to manufacture a controlled substance not authorized by the registrant’s registration or to distribute or dispense a controlled substance not authorized by the registrant’s registration to another registrant or another authorized person;
- (3) To refuse or fail to make[, available, keep, or furnish any record, notification, order form, prescription, statement, invoice, or information [required under this chapter;] in patient charts relating to the administration, dispensing, or prescribing of controlled substances;
- (4) To refuse any lawful entry into any premises for any inspection authorized by this chapter; [or]
- (5) Knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place for the purpose of using these substances or which is used for keeping or selling them in violation of this chapter or chapter 712, part IV[.]; or
- (6) Who is a practitioner or pharmacist to dispense a controlled substance to any individual not known to the practitioner or pharmacist, without first obtaining proper identification and documenting, by signature on a log book kept by the practitioner or pharmacist, the identity of the individual obtaining the controlled substance. If the individual does not have any form of proper identification, the pharmacist shall verify the validity of the prescription and identity of the patient with the prescriber, or their authorized agent, before dispensing the controlled substance. For the purpose of this section, “proper identification” means identification containing the photograph, printed name, and signature of the individual obtaining the controlled substance.

(b) Any person who violates this section is guilty of a [crime and upon conviction may be imprisoned for not more than five years, fined not more than \$5,000, or both.] class C felony.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved July 2, 1998.)