ACT 151

H.B. NO. 1217

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) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
(2) Acetylmethadol;
(3) Allylprodine;
(4) Alphacetylmethadol (except levo- alphacetylmethadol, levomethadyl acetate, or LAAM);
(5) Alphameprodine;
(6) Alphamethadol;
(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
(9) Benzethidine;
(10) Betacetylmethadol;
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide;
(12) Beta-hydroxy-3-methylfentanyl (N-[1-(2- hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);
(13) Betameprodine;
(14) Betamethadol;
(15) Betaprodine;
(16) Clonitazene;
(17) Dextromoramide;
(18) Diampromide;
(19) Diethylthiambutene;
(20) Difenoxin;
(21) Dimenoxadol;
(22) Dimepheptanol;
(23) Dimethylthiambutene;
(24) Dioxaphetyl butyrate;
(25) Dipipanone;
(26) Ethylmethylthiambutene;
(27) Etonitazene;
(28) Etoxeridine;
(29) Furethidine;
(30) Hydroxypethidine;
(31) Ketobemidone;
(32) Levomoramide;
(33) Levophenacylmorphan;
(34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);

(35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
(36) Morpheridine;
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
(38) Noracymethadol;
(39) Norlevorphanol;
(40) Normethadone;
(41) Norpipanone;
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide;
(43) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine;
(44) Phenadoxone;
(45) Phenampromide;
(46) Phenomorphan;
(47) Phenoperidine;
(48) Piritramide;
(49) Proheptazine;
(50) Properidine;
(51) Propiram;
(52) Racemoramide;
(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
(54) Tilidine; [~~and~~]
(55) Trimeperidine[~~.~~];
(56) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and salts of isomers; and
(57) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts, and salts of isomers."

SECTION 2. Section 329-14, Hawaii Revised Statutes is amended by amending subsection (d) to read as follows:

"(d) Any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Alpha-ethyltryptamine (AET);
(2) 2,5-dimethoxy-4-ethylamphetamine (DOET);
(3) 2,5-dimethoxyamphetamine (2,5-DMA);
(4) 3,4-methylenedioxy amphetamine;
(5) 3,4-methylenedioxymethamphetamine (MDMA);
(6) N-hydroxy-3,4-methylenedioxyamphetamine (N-hydroxy-MDA);
(7) 3,4-methylenedioxy-N-ethylamphetamine (MDE);
(8) 5-methoxy-3,4-methylenedioxy-amphetamine;
(9) 4-bromo-2,5-dimethoxy-amphetamine(4-bromo-2,5-DMA);
(10) 4-Bromo-2,5-dimethoxyphenethylamine (Nexus);
(11) 3,4,5-trimethoxy amphetamine;
(12) Bufotenine;
(13) 4-methoxyamphetamine (PMA);
(14) Diethyltryptamine;
(15) Dimethyltryptamine;
(16) 4-methyl-2,5-dimethoxy-amphetamine;
(17) Gamma hydroxybutyrate (GHB)[~~:~~] (some other names include gamma hydroxybutyric acid; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

(18) Ibogaine;
(19) Lysergic acid diethylamide;
(20) Marijuana;
(21) Parahexyl;
(22) Mescaline;
(23) Peyote;
(24) N-ethyl-3-piperidyl benzilate;
(25) N-methyl-3-piperidyl benzilate;
(26) Psilocybin;
(27) Psilocyn;
(28) 1-[1-(2-Thienyl) cyclohexyl] Pyrrolidine (TCPy);
(29) Tetrahydrocannabinols;
(30) Ethylamine analog of phencyclidine (PCE);
(31) Pyrrolidine analog of phencyclidine (PCPy, PHP);
(32) Thiophene analog of phencyclidine (TPCP; TCP)[.];
(33) Gamma-butyrolactone, including butyrolactone; butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone dihydro; dihydro-2(3H)- furanone; tetrahydro-2-furanone; 1,2-butanolide; 1,4-butanolide; 4-butanolide; gamma-hydroxybutyric acid lactone; 3-hydroxybutyric acid lactone and 4-hydroxybutanoic acid lactone with Chemical Abstract Service number 96-48-0 when any such substance is intended for human ingestion;
(34) 1,4 butanediol, including butanediol; butane-1,4-diol; 1,4- butylenes glycol; butylene glycol; 1,4-dihydroxybutane; 1,4- tetramethylene glycol; tetramethylene glycol; tetramethylene 1,4- diol with Chemical Abstract Service number 110-63-4 when any such substance is intended for human ingestion;
(35) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts, and salts of isomers;
(36) N-benzylpiperazine (BZP; 1-benzylpiperazine) its optical isomers, salts, and salts of isomers;
(37) 1-(3-trifluoromethylphenyl)piperazine (TFMPP), its optical isomers, salts, and salts of isomers;
(38) Alpha-methyltryptamine (AMT), its isomers, salts, and salts of isomers; and
(39) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts, and salts of isomers."

SECTION 3. Section 329-16, Hawaii Revised Statutes, is amended by amending subsections (b), (c), and (d) 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, including the following:
    (A) Raw opium;
    (B) Opium extracts;
    (C) Opium fluid;
    (D) Powdered opium;
    (E) Granulated opium;
    (F) Codeine;
    (G) Ethylmorphine;
    (H) Etorphine hydrochloride;

(I) Hydrocodone;
(J) Hydromorphone;
(K) Metopon;
(L) Morphine;
(M) Oxycodone;
(N) Oxymorphone; and
(O) Thebaine;

(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; [~~and~~]

(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 decocanized coca leaves or extractions which do not contain cocaine or ecgonine; cocaine or any salt [~~of~~] or isomer thereof[~~.~~]; and

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form that contains the phenanthrene alkaloids of the opium poppy).

(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)~~] (10) Isomethadone;
[~~(12)~~] (11) Levo-alphacetylmethadol (LAAM);
[~~(13)~~] (12) Levomethorphan;
[~~(14)~~] (13) Levorphanol;
[~~(15)~~] (14) Metazocine;
[~~(16)~~] (15) Methadone;
[~~(17)~~] (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
[~~(18)~~] (17) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
[~~(19)~~] (18) Pethidine (Meperidine);
[~~(20)~~] (19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
[~~(21)~~] (20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
[~~(22)~~] (21) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
[~~(23)~~] (22) Phenazocine;
[~~(24)~~] (23) Piminodine;
[~~(25)~~] (24) Racemethorphan;
[~~(26)~~] (25) Racemorphan;

[~~(27)~~] (26) Remifentanil; and
[~~(28)~~] (27) Sufentanil.

(d) Depressants. 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 depressant effect on the central nervous system:

(1) Amobarbital;
(2) Glutethimide;
[~~(2)~~] (3) Pentobarbital;
[~~(3)~~] (4) Phencyclidine;
[~~(4)~~] (5) Phencyclidine immediate precursors:
(A) 1-phenycyclohexylamine;
(B) 1-piperidinocyclohexanecarbonitrile (PCC); and
[~~(5)~~] (6) Secobarbital."

SECTION 4. Section 329-18, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (c) to read:

"(c) Depressants. Unless listed in another schedule, any material, compound, mixture, or preparation containing 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 that contains any quantity of a derivative of barbituric acid or any salt thereof, including the substance butalbital;
(4) [~~Chlorexadol;~~] Chlorhexadol;
(5) Ketamine hydrochloride;
(6) Lysergic acid;
(7) Lysergic acid amide;
(8) Methyprylon;
(9) Sulfondiethylmethane;
(10) Sulfonethylmethane;
(11) Sulfonmethane; and
(12) Tiletamine/Zolazepam [~~(Telazol)~~] (Telazol, 2-(ethylamino)-2-(-thienyl)-cyclohexanone, flupyrazapon) or any salts thereof."

2. By amending subsection (e) to read:

"(e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts, or alkaloid, in limited quantities as set forth below:

(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 (Hydrocodone), 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 provided that these narcotic drugs shall be monitored pursuant to section 329-101;

(4) Not more than 300 milligrams of dihydrocodeinone (Hydrocodone), 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 provided that these narcotic drugs shall be monitored pursuant to section 329-101;

(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[.]; and

(9) Buprenorphine."

SECTION 5. 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;
(5) Camazepam;
(6) Carisoprodol;
(7) Chloral betaine;
(8) Chloral hydrate;
(9) Chlordiazepoxide;
(10) Clobazam;
(11) Clonazepam;
(12) Clorazepate;
(13) Clotiazepam;
(14) Cloxazolam;
(15) Delorazepam;
(16) Dichloralphenazone (Midrin);
[~~(16)~~] (17) Diazepam;
[~~(17)~~] (18) Estazolam;
[~~(18)~~] (19) Ethchlorvynol;
[~~(19)~~] (20) Ethinamate;
[~~(20)~~] (21) Ethyl loflazepate;
[~~(21)~~] (22) Fludiazepam;
[~~(22)~~] (23) Flunitrazepam;
[~~(23)~~] (24) Flurazepam;
[~~(24)~~] (25) Halazepam;
[~~(25)~~] (26) Haloxazolam;
[~~(26)~~] (27) Ketazolam;

[~~(27)~~] (28) Loprazolam;
[~~(28)~~] (29) Lorazepam;
[~~(29)~~] (30) Lormetazepam;
[~~(30)~~] (31) Mebutamate;
[~~(31)~~] (32) Medazepam;
[~~(32)~~] (33) Meprobamate;
[~~(33)~~] (34) Methohexital;
[~~(34)~~] (35) Methylphenobarbital (mephorbarbital);
[~~(35)~~] (36) Midazolam;
[~~(36)~~] (37) Nimetazepam;
[~~(37)~~] (38) Nitrazepam;
[~~(38)~~] (39) Nordiazepam;
[~~(39)~~] (40) Oxazepam;
[~~(40)~~] (41) Oxazolam;
[~~(41)~~] (42) Paraldehyde;
[~~(42)~~] (43) Petrichloral;
[~~(43)~~] (44) Phenobarbital;
[~~(44)~~] (45) Pinazepam;
[~~(45)~~] (46) Prazepam;
[~~(46)~~] (47) Quazepam;
[~~(47)~~] (48) Temazepam;
[~~(48)~~] (49) Tetrazepam;
[~~(49)~~] (50) Triazolam;
(51) Zaleplon; and
[~~(50)~~] (52) Zolpidem."

SECTION 6. 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) Narcotic drugs containing nonnarcotic active medicinal ingredients. 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[~~.~~]; and
(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(c) [~~Buprenorphine.~~] Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that 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) Pyrovalerone."

SECTION 7. Section 329-32, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, prescribes, or dispenses controlled substances[.], except an office used by a practitioner (who is registered at another location) where controlled substances are prescribed but neither administered nor otherwise dispensed as a regular part of the professional practice of the practitioner at such office, and where no supplies of controlled substances are maintained."

SECTION 8. Section 329-38, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

"(g) Partial filling of controlled substance prescriptions shall be determined as follows:

(1) The partial filling of a prescription for a controlled substance listed in schedule II is permissible if the pharmacist is unable to supply the full quantity called for in a written or emergency oral prescription and the pharmacist makes a notation of the quantity supplied on the face of the written prescription (or written record of the emergency oral prescription). The remaining portion of the prescription may be filled within seventy-two hours of the first partial filling; provided that if the remaining portion is not or cannot be filled within the seventy-two-hour period, the pharmacist shall notify the prescribing individual practitioner. No further quantity shall be supplied beyond seventy-two hours without a new prescription;

(2) The partial filling of a prescription for a controlled substance listed in schedule III, IV, or V is permissible; provided that:
   (A) Each partial filling is recorded in the same manner as a refilling;
   (B) The total quantity dispensed in all partial fillings does not exceed the total quantity prescribed;
   (C) No dispensing occurs more than three months after the date on which the prescription was issued; and
   (D) The prescription is refilled no more than two times after the initial date of the prescription, unless the prescription is renewed by the practitioner; and

(3) A prescription for a schedule II controlled substance written for a patient in a long-term care facility or for a patient with a medical diagnosis documenting a terminal illness may be filled in partial quantities to include individual dosage units. If there is any question whether a patient may be classified as having a terminal illness, the pharmacist must contact the practitioner prior to partially filling the prescription. Both the pharmacist and the prescribing practitioner have a corresponding responsibility to assure that the controlled substance is for a terminally ill patient. The pharmacist must record on the prescription whether the patient is "terminally ill" or a "long-term care facility patient". For the purposes of this section, "TI" means terminally ill and "LTCF" means long-term care facility. A prescription that is partially filled and does not contain the notation "TI" or "LTCF patient" shall be deemed to have been filled in violation of this section. For each partial filling, the dispensing pharmacist shall record on the back of the prescription (or on another appropriate record, uniformly maintained, and readily retrievable) the date of the partial filling, quantity dispensed, remaining quantity authorized to be dispensed, and the identification of the dispensing pharmacist. The total quantity of

schedule II controlled substances dispensed in all partial fillings must not exceed the total quantity prescribed[~~.~~], nor shall a prescription be partially filled more than three times after the initial date of the prescription. Schedule II controlled substance prescriptions for patients in a long-term care facility or patients with a medical diagnosis documenting a terminal illness shall be valid for a period not to exceed [~~sixty~~] thirty days from the issue date unless sooner terminated by the discontinuance of medication."

SECTION 9. Section 329-61, Hawaii Revised Statutes, is amended to read as follows:

"**§329-61 Substances subject to reporting.** (a) List 1 chemicals. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of the following substances to any person in this State or for use in this State shall submit a report to the department of all those transactions:

(1) Phenyl-2-propanone;
(2) Methylamine and its salts;
(3) Phenylacetic acid, its esters and salts;
(4) Ephedrine, its salts, optical isomers, and salts of optical isomers;
(5) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers;
(6) Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers;
(7) Phenylpropanolamine, its salts, optical isomers, and salts of optical isomers;
(8) Hydriodic acid;
(9) Benzyl cyanide;
(10) Benzyl chloride;
(11) N-methylformamide;
(12) N-methylephedrine, its salts, optical isomers, and salts of optical isomers;
(13) N-ethylephedrine;
(14) N-ethylpseudoephedrine;
(15) N-methylpseudoephedrine, its salts, optical isomers, and salts of optical isomers;
(16) Chloroephedrine;
(17) Chloropseudoephedrine;
(18) Ethylamine;
(19) D-lysergic acid;
(20) Ergotamine and its salts;
(21) Piperidine and its salts;
(22) N-acetylanthranilic acid, its esters and salts;
(23) Anthranilic acid, its esters and salts;
(24) Propionic anhydride;
(25) Isosafrole;
(26) Safrole;
(27) Piperonal;
(28) Thionychloride;
(29) Ergonovine and its salts;
(30) 3,4-Methylenedioxyphenyl-2-propanone;
(31) Benzaldehyde;
(32) Nitroethane;
(33) Red phosphorus;
(34) Iodine crystals;

(35) Iodine at concentrations greater than 1.5 per cent by weight in a solution or matrix above the threshold of two ounces in a single transaction;

(36) Gamma butyrolactone (GBL) including butyrolactone; butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone dihydro; dihydro-2(3H)-furanone; tetrahydro-2-furanone; 1,2-butanolide; 1,4-butanolide; 4-butanolide; gamma-hydroxybutyric acid lactone; 3-hydroxybutyric acid lactone; and 4-hydroxybutanoic acid lactone with chemical abstract service number 96-48-0;

(37) 1,4-butanediol, including butanediol; butane-1,4-diol; 1,4-butylene glycol; butylene glycol; 1,4-dihydroxybutane; 1,4-tetramethylene glycol; tetramethylene glycol; and tetramethylene; 1,4-diol[~~.~~];

(38) Hypophosphorous acid and its salts (including ammonium hypophosphite, calcium hypophosphite, iron hypophosphite, potassium hypophosphite, manganese hypophosphite, magnesium hypophosphite, and sodium hypophosphite);

(39) White phosphorus (other names yellow phosphorus); and

(40) Anhydrous ammonia.

(b) List 2 chemicals. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any extraordinary quantity of any of the following chemicals, or sells, transfers, or otherwise furnishes the chemicals through the use of an uncommon method of payment or delivery or under any other circumstances that may make that person believe that the following chemicals could be used in violation of this part by any person in this State, shall report to the department all those transactions of:

(1) Acetic anhydride;

(2) Acetone;

[~~(3) Benzyl chloride;~~

~~(4)~~] (3) Ethyl ether;

[~~(5)~~] (4) Potassium permanganate;

[~~(6)~~] (5) 2-Butanone (or methyl ethyl ketone or MEK);

[~~(7)~~] (6) Toluene;

[~~(8)~~] (7) Hydrochloric acid;

[~~(9)~~] (8) Sulfuric acid;

[~~(10)~~] (9) Methyl isobutyl ketone (MIBK);

[~~(11) Anhydrous ammonia;~~

~~(12)~~] (10) Hydrogen chloride; and

[~~(13)~~] (11) Methyl sulfone (MSM, DMS, Dimethyl sulfone or DMSO2)."

SECTION 10. Section 329-65, Hawaii Revised Statutes, is amended to read as follows:

"**§329-65 Penalty.** (a) Any manufacturer, wholesaler, retailer, or other person who does not submit a report as required by section 329-63 or who knowingly submits a report with false or fictitious information shall be fined not more than $5,000, or imprisoned not more than thirty days, or both.

(b) Any manufacturer, wholesaler, retailer, or other person who has previously been convicted of violating subsection (a), upon a subsequent conviction thereof, shall be fined not more than $100,000, or imprisoned not more than one year, or both.

(c) Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of the substances listed in section 329-61 with knowledge or the intent that the recipient will use the substance to unlawfully manufacture any controlled substance shall be fined not more than $100,000, or

imprisoned not more than five years, or both. For the purpose of this part, ''unlawfully manufacture'' means to manufacture, compound, convert, produce, derive, process, or prepare, either directly or indirectly by chemical extraction, or independently by means of chemical synthesis, any controlled substance specified in section 329-14, 329-16, 329-18, 329-20, or 329-22 without a valid State controlled substance registration as designated under section 329-33.

(d) Any manufacturer, wholesaler, retailer, or other person who possesses any of the substances listed in section 329-61 with the intent to [~~illegally~~] unlawfully manufacture any controlled substance shall be fined not more than $100,000, or imprisoned not more than ten years, or both.

(e) Any person who possesses, sells, distributes, purchases for resale, or causes to be sold, distributed, or purchased for resale any ephedrine-containing product with a label that claims or implies that consumption of the product will produce effects such as ecstasy, euphoria, increased sexual sensations, legal ''highs'', and other similar effects shall be fined not more than $5,000, or imprisoned not more than one year, or both.

(f) It is unlawful for any person to knowingly or intentionally obtain or attempt to obtain any of the substances listed in section 329-61 or procure or attempt to procure any substances listed in section 329-61:

(1) By fraud, deceit, misrepresentation, embezzlement, or theft;

(2) By furnishing fraudulent documentation or information or the concealment of a material fact regarding the use, location, or ultimate user of the substances listed in section 329-61; or

(3) By the use of a false name, photo identification, general excise tax information, or the giving of a false address.

[~~Any person who violates this section shall be fined not more than $100,000, or imprisoned not more than five years, or both.~~]

(g) Any person who violates subsection (f) shall be fined not more than $100,000, or imprisoned not more than five years, or both.''

SECTION 11. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 12. This Act shall take effect upon its approval.

(Approved June 4, 2003.)