

ACT 105

S.B. NO. 3140

A Bill for an Act Relating to the Uniform Controlled Substances Act Mandatory Reporting.

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

SECTION 1. Chapter 329, Hawaii Revised Statutes, is amended by adding a new section to part III to be appropriately designated and to read as follows:

**“§329- Mandatory reporting.** (a) Notwithstanding any other law concerning confidentiality to the contrary, the holder of a registration issued under section 329-32 who, in the holder’s professional or official capacity, has reason to believe that a controlled substance in the holder’s inventory has been stolen, embezzled, or otherwise obtained by fraud or diversion, shall immediately report the matter verbally to the administrator.

(b) The holder of a registration shall submit a written report to the administrator as soon as practicable following the verbal report. The written report shall contain:

- (1) The name and address of the suspected perpetrator, if known;
- (2) The nature and extent of the theft, embezzlement, fraud, or diversion; and
- (3) Any other information that the reporter believes might be helpful or relevant to the investigation of the theft, embezzlement, fraud, or diversion.

(c) Any person subject to subsection (a), upon demand of the administrator, shall provide all information related to the alleged incident of theft, embezzlement, fraud, or diversion, including but not limited to records, reports, and any image, film, video, or other electronic medium, that was not included in the written report submitted pursuant to subsection (b).

(d) This section shall not be construed to provide a basis for a cause of action against the administrator or department.

(e) Any person subject to this section who knowingly prevents another person from reporting, or who knowingly fails to provide information as required by this section, shall be guilty of a misdemeanor.”

SECTION 2. New statutory material is underscored.<sup>1</sup>

SECTION 3. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

**Note**

1. Edited pursuant to HRS §23G-16.5.