
A BILL FOR AN ACT

RELATING TO PSEUDOEPHEDRINE SALES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 329-75, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Notwithstanding any other law to the contrary, a
4 pharmacy or retailer may dispense, sell, or distribute to a
5 person without a prescription not more than 3.6 grams per day,
6 without regard to the number of transactions, of any product,
7 mixture, or preparation containing any detectable quantity of
8 pseudoephedrine, its salts, optical isomers, or salts of optical
9 isomers[~~7~~] as the only active ingredient or in combination with
10 other active ingredients; provided that the pharmacy or retailer
11 [~~complies~~] shall comply with the following conditions:

12 (1) The product, mixture, or preparation shall be
13 dispensed, sold, or distributed from an area not
14 accessible by customers or the general public, such as
15 behind the counter or in a locked display case and
16 where the seller delivers the product directly into
17 the custody of the purchaser; [~~and~~]



- 1 (2) Any person purchasing or otherwise acquiring any
2 product, mixture, or preparation shall[+
3 ~~(A) Produce~~] produce proper identification containing
4 the photograph, date of birth, printed name,
5 [~~and~~] signature, and address of the individual
6 obtaining the controlled substance; [~~and~~
7 ~~(B) Sign a written log, receipt, or other program or~~
8 ~~mechanism~~]
- 9 (3) The pharmacy or retailer shall record, in an
10 electronic log on software provided by the narcotics
11 enforcement division of the department and approved by
12 the administrator[~~-, showing~~]; the date of the
13 transaction[~~-~~]; the name [~~and~~], address, and date of
14 birth of the person[~~-~~]; the type of identification
15 provided by the person; the agency issuing the
16 identification used; any unique number associated with
17 the identification; and the amount and name of the
18 compound, mixture, or preparation[~~-~~]; and
- 19 (4) The pharmacy or retailer shall record the information
20 required under paragraph (3) on an Excel worksheet on
21 software provided by the narcotics enforcement
22 division of the department and electronically mailed



1 to the narcotics enforcement division once a month.
2 The information shall be retained by the pharmacy or
3 retailer for a period of two years. The electronic
4 log shall be capable of checking compliance against
5 all state and federal laws, including interfacing with
6 other states to ensure comprehensive compliance, and
7 shall be subject to random and warrantless inspection
8 by county or state law enforcement officers.

9 No person shall purchase, receive, or otherwise acquire more
10 than nine grams of any product, mixture, or preparation
11 containing any detectable quantity of pseudoephedrine or its
12 salts, isomers, or salts of optical isomers within a thirty-day
13 period, except that this limit shall not apply to any quantity
14 of such product, mixture, or preparation dispensed pursuant to a
15 valid prescription."

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

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 4. This Act shall take effect upon its approval;
22 provided that a pharmacy or retailer shall have until January 1,



1 2009, to establish the electronic log using software provided by
2 the narcotics enforcement division of the department of public
3 safety required under this Act.



Report Title:

Pseudoephedrine; Sales; Electronic Log

Description:

Requires electronic logs of pseudoephedrine sales to be made via an Excel worksheet provided by the department of public safety narcotics enforcement division and maintained for two years in a form searchable by law enforcement. (SD1)

