

JAN 18 2008

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 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 approved by the administrator[~~-~~
11 ~~showing]~~; the date of the transaction[~~-~~]; the name
12 [~~and~~], address, and date of birth of the person[~~-~~];
13 the type of identification provided by the person; the
14 agency issuing the identification used; any unique
15 number associated with the identification; and the
16 amount and name of the compound, mixture, or
17 preparation[~~-~~]; and

18 (4) The information required by paragraph (3) shall be
19 submitted in real time to the electronic log. The
20 information shall be retained by the pharmacy or
21 retailer for a period of two years. The electronic
22 log shall be capable of checking compliance against



1 all state and federal laws, including interfacing with
 2 other states to ensure comprehensive compliance, and
 3 shall be subject to random and warrantless inspection
 4 by county or state law enforcement officers.

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

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

15 SECTION 3. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval;
 18 provided that a pharmacy or retailer shall have until January 1,
 19 2009, to establish the electronic log required under this Act.

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Report Title:

Pseudoephedrine; Sales; Electronic Log

Description:

Requires electronic logs of pseudoephedrine sales to be made in real time and maintained for 2 years in a form searchable by law enforcement.

