



GOV. MSG. NO. 734

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

June 12, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 12, 2009, the following bill was signed into law:

SB967 SD2 HD3

A BILL FOR AN ACT  
RELATING TO CONTROLLED SUBSTANCES.  
ACT 117 (09)

Sincerely,

  
LINDA LINGLE

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# A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 SECTION 1. Section 329-16, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) Any of the following substances, except those  
4 narcotic drugs listed in other schedules, whether produced  
5 directly or indirectly by extraction from substances of  
6 vegetable origin, or independently by means of chemical  
7 synthesis, or by combination of extraction and chemical  
8 synthesis:

9 (1) Opium and opiate, and any salt, compound, derivative,  
10 or preparation of opium or opiate, including the  
11 following:

- 12 (A) Raw opium;  
13 (B) Opium extracts;  
14 (C) Opium fluid;  
15 (D) Powdered opium;  
16 (E) Granulated opium;  
17 (F) Codeine;



- 1 (G) Ethylmorphine;
- 2 (H) Etorphine hydrochloride;
- 3 (I) Hydrocodone;
- 4 (J) Hydromorphone;
- 5 (K) Metopon;
- 6 (L) Morphine;
- 7 (M) Oxycodone;
- 8 (N) Oxymorphone; [and]
- 9 (O) Thebaine;
- 10 (P) Dihydroetorphine;
- 11 (Q) Oripavine; and
- 12 (R) Tincture of opium;
- 13 (2) Any salt, compound, isomer, derivative, or preparation
- 14 thereof which is chemically equivalent or identical
- 15 with any of the substances referred to in paragraph
- 16 (1), but not including the isoquinoline alkaloids of
- 17 opium;
- 18 (3) Opium poppy and poppy straw;
- 19 (4) Coca leaves and any salt, compound, derivative, or
- 20 preparation of coca leaves, and any salt, compound,
- 21 derivative, or preparation thereof which is chemically
- 22 equivalent or identical with any of these substances,



1 but not including decocanized coca leaves or  
2 extractions which do not contain cocaine or ecgonine;  
3 cocaine or any salt or isomer thereof; and

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

8 SECTION 2. Section 329-16, Hawaii Revised Statutes, is  
9 amended by amending subsection (e) to read as follows:

10 "(e) Stimulants. Any material, compound, mixture, or  
11 preparation which contains any quantity of the following  
12 substances having a danger or probable danger associated with a  
13 stimulant effect on the central nervous system:

14 (1) Amphetamine, its salts, optical isomers, and salts of  
15 its optical isomers;

16 (2) Any substance which contains any quantity of  
17 methamphetamine, including its salts, isomers, and  
18 salts of isomers;

19 (3) Phenmetrazine and its salts; [~~and~~]

20 (4) Methylphenidate[-]; and

21 (5) Lisdexamfetamine, its salts, isomers, and salts of its  
22 isomers."



1 SECTION 3. Section 329-18, Hawaii Revised Statutes, is  
2 amended by amending subsection (g) to read as follows:

3 "(g) Any anabolic steroid. The term "anabolic steroid"  
4 means any drug or hormonal substance chemically and  
5 pharmacologically related to testosterone (other than estrogens,  
6 progestins, and corticosteroids) that promotes muscle growth, and  
7 includes:

- 8 (1) Boldenone;
- 9 (2) Clostebol (4-Chlorotestosterone);
- 10 (3) Dehydrochlormethyltestosterone;
- 11 (4) Dihydrotestosterone (4-dihydrotestosterone);
- 12 (5) Drostanolone;
- 13 (6) Ethylestrenol;
- 14 (7) Fluoxymesterone;
- 15 (8) Formebolone (Formyldienolone);
- 16 (9) Mesterolone;
- 17 (10) Methandranone;
- 18 (11) Methandriol;
- 19 (12) Methandrostenolone (Methandienone);
- 20 (13) Methenolone;
- 21 (14) Methyltestosterone;
- 22 (15) Mibolerone;



- 1 (16) Nandrolone;
- 2 (17) Norethandrolone;
- 3 (18) Oxandrolone;
- 4 (19) Oxymesterone;
- 5 (20) Oxymetholone;
- 6 (21) Stanolone (Dihydrotestosterone);
- 7 (22) Stanozolol;
- 8 (23) Testolactone;
- 9 (24) Testosterone;
- 10 (25) Trenbolone; [and]
- 11 (26) 3[beta], 17-dihydroxy-5a-androstane;
- 12 (27) 3[alpha], 17[beta]-dihydroxy-5a-androstane;
- 13 (28) 5[alpha]-androstan-3, 17-dione;
- 14 (29) 1-androstenediol (3[beta], 17[beta]-dihydroxy-
- 15 5[alpha]-androst-1-ene);
- 16 (30) 1-androstenediol (3[alpha], 17[beta]-dihydroxy-
- 17 5[alpha]-androst-1-ene);
- 18 (31) 4-androstenediol (3[beta], 17[beta]-dihydroxy-androst-
- 19 4-ene);
- 20 (32) 5-androstenediol (3[beta], 17[beta]-dihydroxy-androst-
- 21 5-ene);



- 1        (33) 1-androstenedione ([5[alpha]]-androst-1-en-3, 17-  
2        dione);
- 3        (34) 4-androstenedione (androst-4-en-3, 17-dione);
- 4        (35) 5-androstenedione (androst-5-en-3, 17-dione);
- 5        (36) Bolasterone (7[alpha], 17[alpha]-dimethyl-17[beta]-  
6        hydroxyandrost-4-en-3-one);
- 7        (37) Calusterone (7[beta], 17[alpha]-dimethyl-17[beta]-  
8        hydroxyandrost-4-en-3-one);
- 9        (38) [Delta]1-dihydrotestosterone (a.k.a. '1-testosterone')  
10       (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
- 11       (39) Furazabol (17[alpha]-methyl-17[beta]-  
12       hydroxyandrostando[2,3-c]-furazan);
- 13       (40) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one;
- 14       (41) 4-hydroxytestosterone (4,17[beta]-dihydroxy-androst-4-  
15       en-3-one);
- 16       (42) 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxy-  
17       estr-4-en-3-one);
- 18       (43) Mesterolone (1[alpha]methyl-17[beta]-hydroxy-  
19       [5[alpha]]-androstan-3-one);
- 20       (44) Methandienone (17[alpha]-methyl-17[beta]-  
21       hydroxyandrost-1,4-dien-3-one);



- 1        (45) Methandriol (17[alpha]-methyl-3[beta], 17[beta]-  
2        dihydroxyandrost-5-ene);
- 3        (46) Methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-  
4        androst-1-en-3-one);
- 5        (47) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxy-5a-  
6        androstane;
- 7        (48) 17[alpha]-methyl-3[alpha], 17[beta]-dihydroxy-5a-  
8        androstane;
- 9        (49) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxyandrost-4-  
10       ene;
- 11       (50) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-  
12       methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one);
- 13       (51) Methyldienolone (17[alpha]-methyl-17[beta]-  
14       hydroxyestra-4, 9(10)-dien-3-one);
- 15       (52) Methyltrienolone (17[alpha]-methyl-17[beta]-  
16       hydroxyestra-4, 9-11-trien-3-one);
- 17       (53) 17[alpha]-methyl-[Delta] 1-dihydrotestosterone (17b  
18       [beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-  
19       3-one) (a.k.a. '17-[alpha]-methyl-1-testosterone');
- 20       (54) 19-nor-4-androstenediol (3[beta], 17[beta]-  
21       dihydroxyestr-4-ene);





- 1        (55) 19-nor-4-androstenediol (3[alpha], 17[beta]-  
2        dihydroxyestr-4-ene);
- 3        (56) 19-nor-5-androstenediol (3[beta], 17[beta]-  
4        dihydroxyestr-5-ene);
- 5        (57) 19-nor-5-androstenediol (3[alpha], 17[beta]-  
6        dihydroxyestr-5-ene);
- 7        (58) 19-nor-4-androstenedione (estr-4-en-3, 17-dione);
- 8        (59) 19-nor-5-androstenedione (estr-5-en-3, 17-dione;  
9        (60) Norbolethone (13[beta], 17[alpha]-diethyl-17[beta]-  
10       hydroxygon-4-en-3-one);
- 11       (61) Norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-  
12       one);
- 13       (62) Normethandrolone (17[alpha]-methyl-17[beta]-  
14       hydroxyestr-4-en-3-one);
- 15       (63) Stenbolone (17[beta]-hydroxy-2-methyl-[5[alpha]]-  
16       androst-1-en-3-one);
- 17       (64) Tetrahydrogestrinone (13[beta], 17[alpha]-diethyl-  
18       17[beta]-hydroxygon-4, 9, 11-trien-3-one); and
- 19       [(26)] (65) Any salt, ester, or isomer of a drug or substance  
20       described or listed in this subsection, if that salt,  
21       ester, or isomer promotes muscle growth, except the term  
22       "anabolic steroid" does not include an anabolic steroid



1           which is expressly intended for administration through  
2           implants to cattle or other nonhuman species and which  
3           has been approved by the Secretary of Health and Human  
4           Services for nonhuman administration.  If any person  
5           prescribes, dispenses, or distributes an anabolic  
6           steroid intended for administration to nonhuman species  
7           for human use, the person shall be considered to have  
8           prescribed, dispensed, or distributed an anabolic  
9           steroid within the meaning of this paragraph."

10           SECTION 4.  Section 329-33, Hawaii Revised Statutes, is  
11           amended by amending subsection (a) to read as follows:

12           "(a)  The department of public safety shall register an  
13           applicant to manufacture, dispense, prescribe, or distribute  
14           controlled substances included in sections 329-14, 329-16,  
15           329-18, 329-20, and 329-22 unless it determines that the  
16           issuance of that registration would be inconsistent with the  
17           public interest.  In determining the public interest, the  
18           department of public safety shall consider the following  
19           factors:

- 20           (1)  Maintenance of effective controls against diversion of  
21           controlled substances into other than legitimate  
22           medical, scientific, or industrial channels;



- 1 (2) Compliance with applicable state and local law;
- 2 (3) Any convictions of the applicant under any federal and
- 3 state laws relating to any controlled substance;
- 4 (4) Past experience in the manufacture or distribution of
- 5 controlled substances, and the existence in the
- 6 applicant's establishment of effective controls
- 7 against diversion;
- 8 (5) Furnishing by the applicant of false or fraudulent
- 9 material in any application filed under this chapter;
- 10 (6) Suspension [~~or~~], revocation, or surrender of the
- 11 applicant's federal registration to manufacture,
- 12 distribute, prescribe, or dispense controlled
- 13 substances as authorized by federal law; and
- 14 (7) Any other factor relevant to and consistent with the
- 15 public health and safety."

16 SECTION 5. Section 329-38, Hawaii Revised Statutes, is  
 17 amended by amending subsection (c) to read as follows:

18 "(c) The transfer of original prescription information for  
 19 a controlled substance listed in schedule III, IV, or V for the  
 20 purpose of [~~refill~~] dispensing is permissible between pharmacies  
 21 on a one time basis [~~, subject to the following requirements:~~]  
 22 only. However, pharmacies electronically sharing a real-time,



1 online database may transfer up to the maximum refills permitted  
2 by law and the prescriber's authorization. Transfers are  
3 subject to the following requirements:

4 (1) The transfer shall be communicated directly between  
5 two licensed pharmacists, and the transferring  
6 pharmacist shall:

7 (A) Write or otherwise place the word "VOID" on the  
8 face of the invalidated prescription;

9 (B) Record on the reverse of the invalidated  
10 prescription the name, address, and DEA  
11 registration number of the pharmacy to which it  
12 was transferred and the name of the pharmacist  
13 receiving the prescription information; and

14 (C) Record the date of the transfer and the name of  
15 the pharmacist transferring the information;

16 (2) The pharmacist receiving the transferred prescription  
17 information shall[+] reduce to writing the following:

18 (A) Write or otherwise place the word "transfer" on  
19 the face of the transferred prescription;

20 (B) Record all information required to be on a  
21 prescription, including:



- 1 (i) The date of issuance of original
- 2 prescription;
- 3 (ii) The original number of refills authorized on
- 4 original prescription;
- 5 (iii) The date of original dispensing;
- 6 (iv) The number of valid refills remaining and
- 7 ~~[date of last refill,]~~ dates and locations
- 8 of previous refills;
- 9 (v) The pharmacy's name, address, DEA
- 10 registration number, and original
- 11 prescription number from which the
- 12 prescription information was transferred;
- 13 ~~[and]~~
- 14 (vi) The name of transferor pharmacist; and
- 15 (vii) The pharmacy's name, address, and Drug
- 16 Enforcement Administration registration
- 17 number, along with the prescription number
- 18 from which the prescription was originally
- 19 filled;
- 20 (3) Both the original and transferred prescription shall
- 21 be maintained for a period of five years from the date
- 22 of last refill;



1       ~~[(4) The procedure allowing the transfer of prescription~~  
2       ~~information for refill purposes is permissible only~~  
3       ~~between pharmacies located on the same island in this~~  
4       ~~State,] and~~

5       ~~[(5)]~~ (4) Any pharmacy electronically accessing a  
6       prescription record shall satisfy all information  
7       requirements of a manual mode prescription transferal.

8       Failure to comply with this subsection shall void the  
9       authority of the pharmacy to transfer prescriptions or receive a  
10      transferred prescription to or from another pharmacy."

11      SECTION 6. Section 329-41, Hawaii Revised Statutes, is  
12      amended by amending subsection (a) to read as follows:

13      "(a) It is unlawful for any person:

14      (1) Who is subject to part III to distribute, administer,  
15      prescribe, or dispense a controlled substance in  
16      violation of section 329-38 or rules authorized under  
17      section 329-31; however, a licensed manufacturer or  
18      wholesaler may sell or dispense a controlled substance  
19      to a master of a transpacific ship or a person in  
20      charge of a transpacific aircraft upon which no  
21      physician is regularly employed, for the actual  
22      medical needs of persons on board such ship or



1 aircraft when not in port; provided schedule I or II  
2 controlled substances shall be sold to the master of  
3 such ship or person in charge of such aircraft only in  
4 accordance with the provisions set forth in 21 Code of  
5 Federal Regulations, Sections 1301, 1305, and 1307,  
6 adopted pursuant to Title 21, United States Code,  
7 Section 821;

8 (2) Who is a registrant to manufacture a controlled  
9 substance not authorized by the registrant's  
10 registration or to distribute or dispense a controlled  
11 substance not authorized by the registrant's  
12 registration to another registrant or another  
13 authorized person;

14 (3) To refuse or fail to make available, keep, or furnish  
15 any record, notification, order form, prescription,  
16 statement, invoice, or information in patient charts  
17 relating to the administration, dispensing, or  
18 prescribing of controlled substances;

19 (4) To refuse any lawful entry into any premises for any  
20 inspection authorized by this chapter;

21 (5) Knowingly to keep or maintain any store, shop,  
22 warehouse, dwelling, building, vehicle, boat,



1 aircraft, or other structure or place for the purpose  
2 of using these substances or which is used for keeping  
3 or selling them in violation of this chapter or  
4 chapter 712, part IV;

5 (6) Who is a practitioner or pharmacist to dispense a  
6 controlled substance to any individual not known to  
7 the practitioner or pharmacist, [~~without first~~  
8 ~~obtaining proper identification and documenting, by~~  
9 ~~signature on a log book kept by the practitioner or~~  
10 ~~pharmacist, the identity of and the type of~~  
11 ~~identification presented by]~~ except under the  
12 following circumstances:

13 (A) When dispensing a controlled substance directly  
14 to an individual, the practitioner or pharmacist  
15 shall first obtain and document, in a log book or  
16 an electronic database, the full name,  
17 identification number, identification type, and  
18 signature, whether by actual signature or by  
19 electronic signature capture device, of the  
20 individual obtaining the controlled substance.  
21 If the individual does not have any form of  
22 proper identification, the pharmacist shall





1 verify the validity of the prescription and  
2 identity of the patient with the prescriber, or  
3 their authorized agent, before dispensing the  
4 controlled substance[-]; and

5 (B) For mail order prescriptions, the practitioner or  
6 pharmacist shall not be subject to subparagraph  
7 (A); provided that all other requirements of  
8 chapter 329 shall apply and that the practitioner  
9 or pharmacist, as part of the initial  
10 registration process of an individual in a mail  
11 order prescription drug plan and prior to the  
12 controlled substance being dispensed, shall  
13 obtain all identification information, including  
14 the full name, identification number,  
15 identification type, signature, and a photocopy  
16 of a form of proper identification of the  
17 individual obtaining the controlled substance.  
18 The practitioner or pharmacist shall also comply  
19 with other requirements set forth by rule.

20 For the purpose of this section, "proper  
21 identification" means government-issued identification  
22 containing the photograph, printed name,



1           identification number, and signature of the individual  
2           obtaining the controlled substance;

3           (7) Who is a practitioner to predate or pre-sign  
4           prescriptions to facilitate the obtaining or attempted  
5           obtaining of controlled substances; or

6           (8) Who is a practitioner to facilitate the issuance or  
7           distribution of a written prescription or to issue an  
8           oral prescription for a controlled substance when not  
9           physically in the State."

10           SECTION 7. Section 329-52, Hawaii Revised Statutes, is  
11           amended to read as follows:

12           "**§329-52 Administrative inspections [and warrants].** [~~(a)~~  
13           ~~Issuance and execution of administrative inspection warrants~~  
14           ~~shall be as follows:~~

15           ~~(1) A judge of the circuit court, or any district judge~~  
16           ~~within the judge's jurisdiction, and upon proper oath~~  
17           ~~or affirmation showing probable cause, may issue~~  
18           ~~warrants for the purpose of conducting administrative~~  
19           ~~inspections authorized by this chapter or rules~~  
20           ~~hereunder, and seizures of the property appropriate to~~  
21           ~~the inspections. For purposes of the issuance of~~  
22           ~~administrative inspection warrants, probable cause~~



1 ~~exists upon showing a valid public interest in the~~  
2 ~~effective enforcement of this chapter or rules~~  
3 ~~hereunder, sufficient to justify administrative~~  
4 ~~inspection of the area, premises, building or~~  
5 ~~conveyance in the circumstances specified in the~~  
6 ~~application for the warrant;~~

7 ~~(2) A warrant shall issue only upon an affidavit of a~~  
8 ~~designated officer or employee having knowledge of the~~  
9 ~~facts alleged, sworn to before the judge and~~  
10 ~~establishing the grounds for issuing the warrant. If~~  
11 ~~the judge is satisfied that grounds for the~~  
12 ~~application exist or that there is probable cause to~~  
13 ~~believe they exist, the judge shall issue a warrant~~  
14 ~~identifying the area, premises, building, or~~  
15 ~~conveyance to be inspected, the purpose of the~~  
16 ~~inspection, and, if appropriate, the type of property~~  
17 ~~to be inspected, if any. The warrant shall:~~

18 ~~(A) State the grounds for its issuance and the name~~  
19 ~~of each person whose affidavit has been taken in~~  
20 ~~support thereof;~~

21 ~~(B) Be directed to a person authorized by section~~  
22 ~~329-51 to execute it;~~



1 ~~(C) Command the person to whom it is directed to~~  
2 ~~inspect the area, premises, building, or~~  
3 ~~conveyance identified for the purpose specified~~  
4 ~~and, if appropriate, direct the seizure of the~~  
5 ~~property specified;~~

6 ~~(D) Identify the item or types of property to be~~  
7 ~~seized, if any;~~

8 ~~(E) Direct that it be served during normal business~~  
9 ~~hours and designate the judge to whom it shall be~~  
10 ~~returned;~~

11 ~~(3) A warrant issued pursuant to this section must be~~  
12 ~~executed and returned within ten days of its date~~  
13 ~~unless, upon a showing of a need for additional time,~~  
14 ~~the court orders otherwise. If property is seized~~  
15 ~~pursuant to a warrant, a copy shall be given to the~~  
16 ~~person from whom or from whose premises the property~~  
17 ~~is taken, together with a receipt for the property~~  
18 ~~taken. The return of the warrant shall be made~~  
19 ~~promptly, accompanied by a written inventory of any~~  
20 ~~property taken. The inventory shall be made in the~~  
21 ~~presence of the person executing the warrant and of~~  
22 ~~the person from whose possession or premises the~~



1 ~~property was taken, if present, or in the presence of~~  
 2 ~~at least one credible person other than the person~~  
 3 ~~executing the warrant. A copy of the inventory shall~~  
 4 ~~be delivered to the person from whom or from whose~~  
 5 ~~premises the property was taken and to the applicant~~  
 6 ~~for the warrant;~~

7 ~~(4) The judge who has issued a warrant shall attach~~  
 8 ~~thereto a copy of the return and all papers returnable~~  
 9 ~~in connection therewith and file them with the chief~~  
 10 ~~clerk of the judicial circuit in which the inspection~~  
 11 ~~was made.~~

12 ~~(b) The department of public safety may make~~  
 13 ~~administrative inspections of controlled premises in accordance~~  
 14 ~~with the following provisions:~~

15 ~~(1) For purposes of this section only, "controlled~~  
 16 ~~premises" means:~~

17 ~~(A) Places where persons registered or exempted from~~  
 18 ~~registration requirements under this chapter are~~  
 19 ~~required to keep records; and~~

20 ~~(B) Places including factories, warehouses,~~  
 21 ~~establishments, and conveyances in which persons~~  
 22 ~~registered or exempted from registration~~



1                   ~~requirements under this chapter are permitted to~~  
2                   ~~hold, manufacture, compound, process, sell,~~  
3                   ~~deliver, or otherwise dispose of any controlled~~  
4                   ~~substance.~~

5           ~~(2) When authorized by an administrative inspection~~  
6           ~~warrant issued pursuant to subsection (a) an officer~~  
7           ~~or employee designated by the department of public~~  
8           ~~safety, upon presenting the warrant and appropriate~~  
9           ~~credentials to the owner, operator, or agent in~~  
10           ~~charge, may enter controlled premises for the purpose~~  
11           ~~of conducting an administrative inspection.~~

12           ~~(3) When authorized by an administrative inspection~~  
13           ~~warrant, an officer or employee designated by the~~  
14           ~~department of public safety may:~~

15           ~~(A) Inspect and copy records required by this chapter~~  
16           ~~to be kept;~~

17           ~~(B) Inspect, within reasonable limits and in a~~  
18           ~~reasonable manner, controlled premises and all~~  
19           ~~pertinent equipment, finished and unfinished~~  
20           ~~material, containers and labeling found therein,~~  
21           ~~and, except as provided in subsection (b)(5), all~~  
22           ~~other things therein, including records, files,~~



1           ~~papers, processes, controls, and facilities~~  
2           ~~bearing on violation of this chapter, and~~  
3           ~~(C) Inventory any stock of any controlled substance~~  
4           ~~therein and obtain samples thereof.~~  
5           ~~(4) This section does not prevent the inspection without a~~  
6           ~~warrant of books and records pursuant to an~~  
7           ~~administrative subpoena issued in accordance with law,~~  
8           ~~nor does it prevent entries and administrative~~  
9           ~~inspections, including seizures of property, without a~~  
10           ~~warrant:~~  
11           ~~(A) If the owner, operator, or agent in charge of the~~  
12           ~~controlled premises consents,~~  
13           ~~(B) In situations presenting imminent danger to~~  
14           ~~health or safety;~~  
15           ~~(C) In situations involving inspection of conveyances~~  
16           ~~if there is reasonable cause to believe that the~~  
17           ~~mobility of the conveyance makes it impracticable~~  
18           ~~to obtain a warrant;~~  
19           ~~(D) In any other exceptional or emergency~~  
20           ~~circumstance where time or opportunity to apply~~  
21           ~~for a warrant is lacking; or~~







1 materials, containers, and labeling therein to  
2 determine if this chapter is being violated;

3 (2) The administrator or any of the administrator's agents  
4 shall have access to and may copy any and all records,  
5 books, logs, or documents pertaining to the  
6 administering, prescribing, dispensing, or sale of  
7 controlled substances or regulated chemicals  
8 designated under this chapter without a warrant; and

9 (3) The administrator or any of the administrator's agents  
10 may inventory any stock of any controlled substance or  
11 regulated chemical designated under section 329-61 and  
12 secure samples or specimens of any drug, device, or  
13 chemical not seized as evidence by paying or offering  
14 to pay for the sample. The administrator shall make  
15 or cause to be made examinations of samples secured  
16 under this section to determine whether or not this  
17 chapter is being violated.

18 (b) An inspection of records authorized by this section  
19 shall not extend to financial data relating to pricing of items  
20 other than shipment and sale amounts, unless the owner,  
21 operator, or agent in charge of the controlled premises consents  
22 in writing.



1        (c) For purposes of this section, "controlled premises"

2        means:

3        (1) Places where persons registered or exempted from  
4        registration requirements under this chapter are  
5        required to keep records; and

6        (2) Places, including factories, warehouses,  
7        establishments, and conveyances in which persons  
8        registered or exempted from registration requirements  
9        under this chapter are permitted to hold, manufacture,  
10       compound, process, sell, dispense, deliver, or  
11       otherwise dispose of any controlled substance or  
12       regulated chemical designated under section 329-61."

13       SECTION 8. Statutory material to be repealed is bracketed  
14       and stricken. New statutory material is underscored.

15       SECTION 9. This Act shall take effect upon its approval.

APPROVED this 12 day of JUN, 2009

GOVERNOR OF THE STATE OF HAWAII