

S.B. NO. 1305

JAN 26 2011

A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 SECTION 1. Section 329-14, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

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

- 9 (1) Alpha-ethyltryptamine (AET);
10 (2) 2,5-dimethoxy-4-ethylamphetamine (DOET);
11 (3) 2,5-dimethoxyamphetamine (2,5-DMA);
12 (4) 3,4-methylenedioxy amphetamine;
13 (5) 3,4-methylenedioxymethamphetamine (MDMA);
14 (6) N-hydroxy-3,4-methylenedioxyamphetamine (N-hydroxy-
15 MDA);
16 (7) 3,4-methylenedioxy-N-ethylamphetamine (MDE);

- 1 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 2 (9) 4-bromo-2,5-dimethoxy-amphetamine (4-bromo-2,5-DMA);
- 3 (10) 4-Bromo-2,5-dimethoxyphenethylamine (Nexus);
- 4 (11) 3,4,5-trimethoxy amphetamine;
- 5 (12) Bufotenine;
- 6 (13) 4-methoxyamphetamine (PMA);
- 7 (14) Diethyltryptamine;
- 8 (15) Dimethyltryptamine;
- 9 (16) 4-methyl-2,5-dimethoxy-amphetamine;
- 10 (17) Gamma hydroxybutyrate (GHB) (some other names include
- 11 gamma hydroxybutyric acid; 4-hydroxybutyrate; 4-
- 12 hydroxybutanoic acid; sodium oxybate; sodium
- 13 oxybutyrate);
- 14 (18) Ibogaine;
- 15 (19) Lysergic acid diethylamide;
- 16 (20) Marijuana;
- 17 (21) Parahexyl;
- 18 (22) Mescaline;
- 19 (23) Peyote;
- 20 (24) N-ethyl-3-piperidyl benzilate;
- 21 (25) N-methyl-3-piperidyl benzilate;
- 22 (26) Psilocybin;

- 1 (27) Psilocyn;
- 2 (28) 1-[1-(2-Thienyl) cyclohexyl] Pyrrolidine (TCPy);
- 3 (29) Tetrahydrocannabinols; Meaning tetrahydrocannabinols
4 naturally contained in a plant of the genus Cannabis
5 (cannabis plant), as well as synthetic equivalents of
6 the substances contained in the cannabis plant, or in
7 the resinous extractives of such plant, and/or
8 synthetic substances, derivatives, and their isomers
9 with similar chemical structure and pharmacological
10 activity to those substances contained in the plant,
11 such as the following:
- 12 1 cis or trans tetrahydrocannabinol, and their optical
13 isomers;
- 14 6 cis or trans tetrahydrocannabinol, and their optical
15 isomers;
- 16 3,4 cis or transtetrahydrocannabinol, and its optical
17 isomers. (Since nomenclature of these substances is
18 not internationally standardized, compounds of these
19 structures, regardless of numerical designation of
20 atomic positions covered);
- 21 (30) Ethylamine analog of phencyclidine (PCE);
- 22 (31) Pyrrolidine analog of phencyclidine (PCPy, PHP);

- 1 (32) Thiophene analog of phencyclidine (TPCP; TCP);
- 2 (33) Gamma-butyrolactone, including butyrolactone;
- 3 butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone
- 4 dihydro; dihydro-2(3H)-furanone; tetrahydro-2-
- 5 furanone; 1,2-butanolide; 1,4-butanolide; 4-
- 6 butanolide; gamma-hydroxybutyric acid lactone; 3-
- 7 hydroxybutyric acid lactone and 4-hydroxybutanoic acid
- 8 lactone with Chemical Abstract Service number 96-48-0
- 9 when any such substance is intended for human
- 10 ingestion;
- 11 (34) 1,4 butanediol, including butanediol; butane-1,4-diol;
- 12 1,4- butylenes glycol; butylene glycol; 1,4-
- 13 dihydroxybutane; 1,4- tetramethylene glycol;
- 14 tetramethylene glycol; tetramethylene 1,4- diol with
- 15 Chemical Abstract Service number 110-63-4 when any
- 16 such substance is intended for human ingestion;
- 17 (35) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7),
- 18 its optical isomers, salts, and salts of isomers;
- 19 (36) N-benzylpiperazine (BZP; 1-benzylpiperazine) its
- 20 optical isomers, salts, and salts of isomers;
- 21 (37) 1-(3-trifluoromethylphenyl)piperazine (TFMPP), its
- 22 optical isomers, salts, and salts of isomers;

- 1 (38) Alpha-methyltryptamine (AMT), its isomers, salts, and
2 salts of isomers;
- 3 (39) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its
4 isomers, salts, and salts of isomers;
- 5 (40) Salvia divinorum;
- 6 (41) Salvinorin A; [~~and~~]
- 7 (42) Divinorin A[-];
- 8 (43) Mephedrone (2-methylamino-1-p-tolylpropan-1-one) also
9 known as 4-methylmethcathinone (4-MMC),
10 methylephedrone or MMCAT;
- 11 (44) Methylenedioxypropylone (MDPV, MDPK);
- 12 (45) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
13 methyloctan-2-yl)-6a,7,10,10a-
14 tetrahydrobenzo[c]chromen-1-ol, Some trade or other
15 names: HU-210;
- 16 (46) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
17 yl)phenol), Some trade or other names: CP 47,497 and
18 dimethyloctyl homologues;
- 19 (47) 1-Pentyl-3-(1-naphthoyl)indole, Some trade or other
20 names: JWH-018;
- 21 (48) 1-Butyl-3-(1-naphthoyl)indole, Some trade or other
22 names: JWH-073; and

1 (49) Cannabicyclohexanol."

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

4 "(c) Any of the following opiates, including their
5 isomers, esters, ethers, salts, and salts of isomers, whenever
6 the existence of these isomers, esters, ethers, and salts is
7 possible within the specific chemical designation:

- 8 (1) Alfentanil;
- 9 (2) Alphaprodine;
- 10 (3) Anileridine;
- 11 (4) Bezitramide;
- 12 (5) Bulk Dextropropoxyphene (nondosage form);
- 13 (6) Carfentanil;
- 14 (7) Dihydrocodeine;
- 15 (8) Diphenoxylate;
- 16 (9) Fentanyl;
- 17 (10) Isomethadone;
- 18 (11) Levo-alphaacetylmethadol (LAAM);
- 19 (12) Levomethorphan;
- 20 (13) Levorphanol;
- 21 (14) Metazocine;
- 22 (15) Methadone;

- 1 (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-
- 2 diphenyl butane;
- 3 (17) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-
- 4 diphenyl-propane-carboxylic acid;
- 5 (18) Pethidine (Meperidine);
- 6 (19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
- 7 phenylpiperidine;
- 8 (20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-
- 9 carboxylate;
- 10 (21) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-
- 11 4-carboxylic acid;
- 12 (22) Phenazocine;
- 13 (23) Piminodine;
- 14 (24) Racemethorphan;
- 15 (25) Racemorphan;
- 16 (26) Remifentanil;
- 17 (27) Sufentanil[~~and~~];
- 18 (28) Tapentadol[-]; and
- 19 (29) 4-anilino-n-phenethyl-4-piperidine (ANPP)."

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

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

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

- 1 (18) Oxandrolone;
- 2 (19) Oxymesterone;
- 3 (20) Oxymetholone;
- 4 (21) Stanolone (Dihydrotestosterone);
- 5 (22) Stanozolol;
- 6 (23) Testolactone;
- 7 (24) Testosterone;
- 8 (25) Trenbolone;
- 9 (26) 3[beta], 17-dihydroxy-5a-androstane;
- 10 (27) 3[alpha], 17[beta]-dihydroxy-5a-androstane;
- 11 (28) 5[alpha]-androstane-3, 17-dione;
- 12 (29) 1-androstenediol (3[beta], 17[beta]-dihydroxy-
- 13 5[alpha]-androst-1-ene);
- 14 (30) 1-androstenediol (3[alpha], 17[beta]-dihydroxy-
- 15 5[alpha]-androst-1-ene);
- 16 (31) 4-androstenediol (3[beta], 17[beta]-dihydroxy-androst-
- 17 4-ene);
- 18 (32) 5-androstenediol (3[beta], 17[beta]-dihydroxy-androst-
- 19 5-ene);
- 20 (33) 1-androstenedione ([5[alpha]]-androst-1-en-3, 17-
- 21 dione);
- 22 (34) 4-androstenedione (androst-4-en-3, 17-dione);

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

- 1 (47) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxy-5a-
2 androstane;
- 3 (48) 17[alpha]-methyl-3[alpha], 17[beta]-dihydroxy-5a-
4 androstane;
- 5 (49) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxyandrost-4-
6 ene;
- 7 (50) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-
8 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one);
- 9 (51) Methyldienolone (17[alpha]-methyl-17[beta]-
10 hydroxyestra-4, 9(10)-dien-3-one);
- 11 (52) Methyltrienolone (17[alpha]-methyl-17[beta]-
12 hydroxyestra-4, 9-11-trien-3-one);
- 13 (53) 17[alpha]-methyl-[Delta] 1-dihydrotestosterone (17b
14 [beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-
15 3-one) (a.k.a. '17-[alpha]-methyl-1-testosterone');
- 16 (54) 19-nor-4-androstenediol (3[beta], 17[beta]-
17 dihydroxyestr-4-ene);
- 18 (55) 19-nor-4-androstenediol (3[alpha], 17[beta]-
19 dihydroxyestr-4-ene);
- 20 (56) 19-nor-5-androstenediol (3[beta], 17[beta]-
21 dihydroxyestr-5-ene);

- 1 (57) 19-nor-5-androstenediol (3[alpha], 17[beta]-
2 dihydroxyestr-5-ene);
- 3 (58) 19-nor-4-androstenedione (estr-4-en-3, 17-dione);
- 4 (59) 19-nor-5-androstenedione (estr-5-en-3, 17-dione;
- 5 (60) Norbolethone (13[beta], 17[alpha]-diethyl-17[beta]-
6 hydroxygon-4-en-3-one);
- 7 (61) Norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-
8 one);
- 9 (62) Normethandrolone (17[alpha]-methyl-17[beta]-
10 hydroxyestr-4-en-3-one);
- 11 (63) Stenbolone (17[beta]-hydroxy-2-methyl-[5[alpha]]-
12 androst-1-en-3-one);
- 13 (64) Tetrahydrogestrinone (13[beta], 17[alpha]-diethyl-
14 17[beta]-hydroxygon-4, 9, 11-trien-3-one); [and]
- 15 (65) Desoxymethyltestosterone (17a-methyl-5a-androst-2-en-
16 17-ol, madol);
- 17 (66) 19-NOR-4,9(10)-Androstadienedione (estra-4,9(10)-
18 diene-3,17-dione);
- 19 (67) Boldione (Androsta-1,4-diene-3,17-dione); and
- 20 [~~(65)~~] (68) Any salt, ester, or isomer of a drug or substance
21 described or listed in this subsection, if that salt,
22 ester, or isomer promotes muscle growth, except the

1 term "anabolic steroid" does not include an anabolic
2 steroid which is expressly intended for administration
3 through implants to cattle or other nonhuman species
4 and which has been approved by the Secretary of Health
5 and Human Services for nonhuman administration. If
6 any person prescribes, dispenses, or distributes an
7 anabolic steroid intended for administration to
8 nonhuman species for human use, the person shall be
9 considered to have prescribed, dispensed, or
10 distributed an anabolic steroid within the meaning of
11 this paragraph."

12 SECTION 4. Section 329-32, Hawaii Revised Statutes, is
13 amended by amending subsection (e) to read as follows:

14 "(e) A separate registration shall be required at each
15 principal place of business or professional practice where the
16 applicant manufactures, distributes, prescribes, or dispenses
17 controlled substances, recommends the medical use of marijuana,
18 except an office used by a practitioner (who is registered at
19 another location) where controlled substances are prescribed but
20 neither administered nor otherwise dispensed as a regular part
21 of the professional practice of the practitioner at such office,
22 and where no supplies of controlled substances are maintained."

1 SECTION 5. Section 329-101, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The designated state agency shall determine those
4 schedules of controlled substances, classes of controlled
5 substances, and specific controlled substances that are
6 purportedly being misused and abused in the State. No
7 identified controlled substances may be dispensed unless
8 information relevant to the dispensation of the substance is
9 reported electronically or by [~~universal claim form~~] means
10 indicated by the designated state agency to the central
11 repository established under section 329-102, in accordance with
12 rules adopted by the department."

13 SECTION 6. Section 329-102, Hawaii Revised Statutes, is
14 amended by amending subsection (f) to read as follows:

15 "(f) All prescriptions for controlled substances in
16 schedules II through V and other [~~controlled~~] substances of
17 concern designated by the designated state agency that are
18 processed by an out-of-state pharmacy shall conform to reporting
19 and registration requirements adopted by the State, and to any
20 additional rules the department adopts."

21 SECTION 7. Section 329-123, Hawaii Revised Statutes, is
22 amended by amending subsection (b) to read as follows:

1 "(b) Qualifying patients shall register with the
2 department of public safety. Such registration shall be
3 effective until the expiration of the certificate issued by the
4 department and signed by the physician. Every qualifying
5 patient shall provide sufficient identifying information to
6 establish personal identity of the qualifying patient and the
7 primary caregiver. Qualifying patients shall report changes in
8 information within five working days. Every qualifying patient
9 shall have only one primary caregiver at any given time. The
10 department shall then issue to the qualifying patient a
11 registration certificate, and may charge a reasonable fee not to
12 exceed [~~\$25.~~] \$50."

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.

16

17

INTRODUCED BY:

Q.S.T.Z.

18

BY REQUEST

S

.B. NO.

1305

Report Title:

Relating to Controlled Substances.

Description:

This measure amends chapter 329, Hawaii Revised Statutes, to bring the Hawaii statutes on controlled substances to be consistent with the federal laws on controlled substances, and increases the fee for the registration certificate for qualifying patients for medical marijuana.

JUSTIFICATION SHEET

SB. NO. 1305

DEPARTMENT: PUBLIC SAFETY

TITLE: RELATING TO CONTROLLED SUBSTANCES.

PURPOSE: Update chapter 329, Hawaii Revised Statutes (HRS), to include emergency scheduling as designated under section 329-11 and amendments made to the federal Controlled Substance Act; amend sections 329-101 and 329-102 relating to the Department's electronic prescription monitoring program; and amend sections 329-32 and 123 to address funding requirements for Hawaii's Medical Use of Marijuana Program.

MEANS: Amend sections 329-14(d), 329-16(c), 329-18(g), 329-32(e), 329-101(b), 329-102(f), and 329-123(b) HRS.

JUSTIFICATION: Proposed amendments to chapter 329, HRS, will accomplish the following:

- (1) Amends Hawaii's Uniform Controlled Substances Act, chapter 329, HRS, in accordance with the requirements of section 329-11(e), HRS by adding the hallucinogenic substances Mephedrone (2-methylamino-1-p-tolylpropan-1-one) (4-MMC), Methylenedioxypropylvalerone (MDPV, MDPK) and the chemicals utilized in Spice / K2 such as HU-210, CP 47,497 and dimethyloctyl homologues, JWH-018, JWH-073 and Cannabicyclohexanol to section 329-14(d), HRS, Schedule I controlled substance.
- (2) Update Hawaii's Uniform Controlled Substance Act, chapter 329, HRS, with a change made to the Federal Controlled Substance Act, 75 Federal Register 37296 by adding the narcotic drug 4-ANILINO-N-PHENETHYL-4-PIPERIDINE (ANPP) to Schedule II as required by section 329-11(d), HRS.
- (3) Update Hawaii's Uniform Controlled Substance Act, chapter 329, HRS, with a

change made to the Federal Controlled Substance Act, 74 Federal Register 63603, by adding the anabolic steroids Desoxymethyltestosterone (17a-methyl-5a-androst-2-en-17-ol, madol), 19-NOR-4,9(10)-Androstadienedione (estra-4,9(10)-diene-3,17-dione), and Boldione (Androsta-1,4-diene-3,17-dione) to Schedule III Anabolic Steroids as required by section 329-11(d), HRS. Section 3 of this bill also adopts the Federal definition of "Tetrahydrocannabinols" as listed in the Section 1308.11(30) of the Federal Register.

- (4) Amends section 329-32(e), HRS, by requiring that all locations used by physicians participating in Hawaii's Medical Use of Marijuana Program be registered with the department as required by 329-121, HRS.
- (5) Amend section 329-101(b), HRS, by adding language to allow the Department to add substances of concern to the list of controlled substances that must be electronically reported to Hawaii's electronic prescription monitoring program.
- (6) Amends section 329-102(f), HRS, by adding language to require out-of-state pharmacies to also electronically report substances designated by the Department as a drug of concern to Hawaii's electronic prescription monitoring program.
- (7) Amends section 329-123(b), HRS, by increasing the fee for a Medical Use of Marijuana permit from \$25 to \$50 to offset the cost of running the program.

Impact on the public: This bill is intended to protect the public by updating Hawaii's controlled substance schedules as well as protect the citizens of Hawaii by allowing the Department to identify and track the abuse of certain non controlled substances.

Impact on the department and other agencies: These proposed amendments would assist the Department's Narcotics Enforcement Division

in clarifying regulations of the Uniform Controlled Substances Act as well as provide the Division with an early warning tool for the abuse of specific drugs of concern.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: PSD 502.

OTHER AFFECTED
AGENCIES: Department of Health Food and Drug Branch,
Federal State and County law enforcement

EFFECTIVE DATE: Upon approval.