



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

**TED SAKAI**  
DIRECTOR

**Martha Torney**  
Deputy Director  
Administration

**Max Otani**  
Deputy Director  
Corrections

**Shawn Tsuha**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL (HB) 2332  
A BILL RELATING TO  
UNIFORM CONTROLLED SUBSTANCES ACT  
Ted Sakai, Director  
Department of Public Safety

House Committee on Consumer Protection and Commerce  
Representative Angus L.K. McKelvey, Chair  
Representative Derek S.K. Kawakami, Vice Chair

Wednesday, February 5, 2014, 2:10 p.m.  
State Capitol, Conference Room 325

Chair McKelvey, Vice Chair Kawakami, and Members of the Committee:

The Department of Public Safety (PSD) **supports** HB 2332 which updates Hawaii's Uniform Controlled Substance Act, Chapter 329, Hawaii Revised Statutes, to be consistent with changes in Federal law, as required by Section 329-11, HRS. This is an Administration bill, which seeks to codify in the Hawaii Revised Statutes recent changes in the federal law, so that our law can be consistent with federal law. Due to the growing problem of synthetic hallucinogenic substances being developed for sale to the public as "herbal incense, bath salts, plant food or legal highs" in the State and around the county, the Department's Narcotics Enforcement Division, as well as the Federal Drug Enforcement Administration (DEA), has attempted to protect the public from these ever-increasing number of synthetic hallucinogenic substances labeled as "not for human consumption," but sold in retail shops with the promise of powerful hallucinogenic legal highs, by making them illegal to possess or sell by placing them in Schedule I.

On April 19, 2012, Governor Neil Abercrombie signed into law Act 29 / House Bill 2600 HD2 that amended Chapter 329, Hawaii Revised Statutes relating to controlled substances. Act 29 created a new subsection to address synthetic cannabinoids (such

as K2, Spice, etc.) and substituted cathinones (“bath salts”) as schedule I controlled substances.

On July 9, 2012, President Obama signed the Food and Drug Administration Safety and Innovation Act. At the end of this bill was the Synthetic Drug Abuse Prevention Act of 2012 that placed the following substances: 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E), 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D), 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C), 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I), 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2), 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4), 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H), 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N), 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P) into the list of Schedule I hallucinogenic substances.

On May 16, 2013, Deputy Administrator of the DEA issued this final order to place N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers. (Other names: APINACA, AKB48) this dangerous new hallucinogenic substance into schedule I, 78 FR 28735, Schedule I, 5/16/2013.

On June 7, 2013, Deputy Administrator of the DEA issued this final order to place the new drug LORCASERIN into Schedule IV. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible: Lorcaserin 78FR 26701, Schedule IV, 6/7/2013.

On November 15, 2013, Deputy Administrator of the DEA issued this final order to schedule 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5), 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82), and 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 25B-NBOMe; 2C-B-

NBOMe; 25B; Cimbi-36) as synthetic phenethylamines. This action is based on a finding by the DEA Deputy Administrator that the placement of these synthetic phenethylamines and their optical, positional, and geometric isomers, salts and salts of isomers in schedule I of the Federal Controlled Substances Act (CSA) is necessary to avoid an imminent hazard to the public safety.

On September 20, 2013 and November 15, 2013, the Department gave notice in accordance with provisions set forth in Section 329-11(d) of the Hawaii Revised Statutes, which says if a substance is added, deleted or rescheduled under Federal law and notice of the designation is given to the Department, then the Department shall recommend to the legislature that a corresponding change in the Hawaii laws be made.

The Department was also given notice by the Federal government on December 2, 2013, of another Federal scheduling action that was not contained in HB2332. On December 2, 2013, the Deputy Administrator of the DEA issued this final order to place the substance perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-dihydropyridin-3-yl) benzonitrile], including its salts, isomers, and salts of isomers, into schedule III of the CSA effective January 2, 2014. The Department, on December 10, 2014, gave notice in accordance with provisions set forth in Section 329-11(d) of the Hawaii Revised Statutes and also placed perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-dihydropyridin-3-yl) benzonitrile], including its salts, isomers, and salts of isomers, into schedule III, Section 329-18(c), HRS to be effective January 2, 2014.

The Department requests an amendment to HB2332, to include language to place the drug "Perampanel" into Schedule III. This new drug was scheduled by the Federal Government in early January of 2014, and therefore not included in the original HB2332.

Thank you for the opportunity to testify on this matter.



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
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No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL (HB) 2332  
A BILL RELATING TO  
UNIFORM CONTROLLED SUBSTANCES ACT  
Ted Sakai, Director  
Department of Public Safety

House Committee on Consumer Protection & Commerce  
Representative Angus L.K McKelvey, Chair  
Representative Derek S.K. Kawakami, Vice Chair

Tuesday, February 5, 2014, 2:10 p.m.  
State Capitol, Conference Room 325

Chair McKelvey, Vice Chair Kawakami, and Members of the Committee:

The Department of Public Safety (PSD) **supports** HB 2332 which updates Hawaii's Uniform Controlled Substance Act, Chapter 329, Hawaii Revised Statutes, to be consistent with changes in Federal law, as required by Section 329-11, HRS. This is an Administration bill, which seeks to codify in the Hawaii Revised Statutes recent changes in the federal law, so that our law can be consistent with federal law. Due to the growing problem of synthetic hallucinogenic substances being developed for sale to the public as "herbal incense, bath salts, plant food or legal highs" in the State and around the county, the Department's Narcotics Enforcement Division, as well as the Federal Drug Enforcement Administration (DEA), has attempted to protect the public from these ever-increasing number of synthetic hallucinogenic substances labeled as "not for human consumption," but sold in retail shops with the promise of powerful hallucinogenic legal highs, by making them illegal to possess or sell by placing them in Schedule I.

On April 19, 2012, Governor Neil Abercrombie signed into law Act 29 / House Bill 2600 HD2 that amended Chapter 329, Hawaii Revised Statutes relating to controlled substances. Act 29 created a new subsection to address synthetic cannabinoids (such

NBOMe; 25B; Cimbi-36) as synthetic phenethylamines. This action is based on a finding by the DEA Deputy Administrator that the placement of these synthetic phenethylamines and their optical, positional, and geometric isomers, salts and salts of isomers in schedule I of the Federal Controlled Substances Act (CSA) is necessary to avoid an imminent hazard to the public safety.

On September 20, 2013 and November 15, 2013, the Department gave notice in accordance with provisions set forth in Section 329-11(d) of the Hawaii Revised Statutes, which says if a substance is added, deleted or rescheduled under Federal law and notice of the designation is given to the Department, then the Department shall recommend to the legislature that a corresponding change in the Hawaii laws be made.

The Department was also given notice by the Federal government on December 2, 2013, of another Federal scheduling action that was not contained in HB2332. On December 2, 2013, the Deputy Administrator of the DEA issued this final order to place the substance perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-dihydropyridin-3-yl) benzonitrile], including its salts, isomers, and salts of isomers, into schedule III of the CSA effective January 2, 2014. The Department, on December 10, 2014, gave notice in accordance with provisions set forth in Section 329-11(d) of the Hawaii Revised Statutes and also placed perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-dihydropyridin-3-yl) benzonitrile], including its salts, isomers, and salts of isomers, into schedule III, Section 329-18(c), HRS to be effective January 2, 2014.

The Department would like to request an amendment to HB2332 to include language to place the drug "Perampanel" into schedule III, this new drug was scheduled by the Federal Government in early January of 2014 and therefore not included in HB2332.

Thank you for the opportunity to testify on this matter.

approved under section 505 of the federal Food, Drug, and Cosmetic Act[-]; and

- (15) Perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-dihydropyridin-3-yl) benzonitrile], including its salts, isomers, and salts of isomers."



LIEUTENANT GOVERNOR'S  
OFFICE

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STATE OF HAWAII  
NARCOTICS ENFORCEMENT  
DIVISION

Department of Public Safety  
3375 Koapaka Street, Suite D-100  
Honolulu, Hawaii 96819

TED SAKAI  
DIRECTOR

Martha Torney  
Deputy Director  
Administration

Max Otani  
Deputy Director  
Corrections

Shawn Tsuha  
Deputy Director  
Law Enforcement

No. Posted at LT Gov office  
12-10-13

December 10, 2013

## NOTICE OF FEDERAL SCHEDULING ACTIONS

Section 329-11(d) states that if a substance is added, deleted or rescheduled under federal law and notice of the designation is given to the department then the department shall recommend to the legislature that a corresponding change in Hawaii law be made. The Department was given notice that the following depressant drug was placed into Schedule III by the Federal Government:

**Perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-dihydropyridin-3-yl) benzonitrile], including its salts, isomers, and salts of isomers**

On December 2, 2013 the Deputy Administrator of the Drug Enforcement Administration (DEA) placed the substance perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-dihydropyridin-3-yl) benzonitrile], including its salts, isomers, and salts of isomers, into schedule III of the Controlled Substances Act (CSA). This scheduling action is pursuant to the CSA which requires that such actions be made on the record after opportunity for a hearing through formal rulemaking. This action imposes the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule III controlled substances on persons who handle (manufacture, distribute, dispense, import, export, engage in research, conduct instructional activities with, or possess) or propose to handle perampanel.

Section 329-18, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Depressants. Unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances having a depressant effect on the central nervous system:

- (1) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;
- (2) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;
- (3) Any substance that contains any quantity of a derivative of barbituric acid or any salt thereof, including the substance butalbital;
- (4) Chlorhexadol;
- (5) Embutramide (Tributame);

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honoluluupd.org



KIRK W. CALDWELL  
MAYOR

LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. McCAULEY  
DEPUTY CHIEFS

OUR REFERENCE **JI-TA**

February 5, 2014

The Honorable Angus L. K. McKelvey, Chair  
and Members  
Committee on Consumer Protection  
and Commerce  
State House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair McKelvey and Members:

**SUBJECT: House Bill No. 2332, Relating to the Uniform Controlled Substances Act**

I am Jerry Inouye, Major of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 2332, Relating to the Uniform Controlled Substances Act.

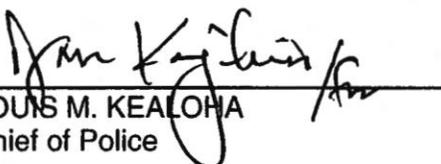
The legislation would add new controlled substances that were emergency scheduled or added to comply with changes to the federal Controlled Substances Act designated under the Hawaii Revised Statutes, Chapter 329, Part II, Section 329-11.

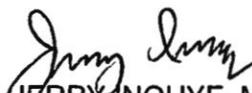
The Honolulu Police Department urges you to support House Bill No. 2332, Relating to Uniform Controlled Substances Act.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

  
LOUIS M. KEALOHA  
Chief of Police

  
JERRY INOUYE, Major  
Narcotics/Vice Division