

S.B. NO. 2882

JAN 23 2014

A BILL FOR AN ACT

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

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

1 SECTION 1. Section 329-14, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (d) to read as follows:

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

- 10 (1) Alpha-ethyltryptamine (AET);
- 11 (2) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 12 (3) 2,5-dimethoxyamphetamine (2,5-DMA);
- 13 (4) 3,4-methylenedioxy amphetamine;
- 14 (5) 3,4-methylenedioxymethamphetamine (MDMA);
- 15 (6) N-hydroxy-3,4-methylenedioxyamphetamine (N-hydroxy-
16 MDA);
- 17 (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) Ethylamine analog of phencyclidine (PCE);
- 4 (30) Pyrrolidine analog of phencyclidine (PCPy, PHP);
- 5 (31) Thiophene analog of phencyclidine (TPCP; TCP);
- 6 (32) Gamma-butyrolactone, including butyrolactone;
- 7 butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone
- 8 dihydro; dihydro-2(3H)furanone; tetrahydro-2-furanone;
- 9 1,2-butanolide; 1,4-butanolide; 4-butanolide; gamma-
- 10 hydroxybutyric acid lactone; 3-hydroxybutyric acid
- 11 lactone and 4-hydroxybutanoic acid lactone with
- 12 Chemical Abstract Service number 96-48-0 when any such
- 13 substance is intended for human ingestion;
- 14 (33) 1,4 butanediol, including butanediol; butane-1,4-diol;
- 15 1,4- butylenes glycol; butylene glycol; 1,4-
- 16 dihydroxybutane; 1,4- tetramethylene glycol;
- 17 tetramethylene glycol; tetramethylene 1,4- diol with
- 18 Chemical Abstract Service number 110-63-4 when any
- 19 such substance is intended for human ingestion;
- 20 (34) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7),
- 21 its optical isomers, salts, and salts of isomers;

- 1 (35) N-benzylpiperazine (BZP; 1-benzylpiperazine) its
2 optical isomers, salts, and salts of isomers;
- 3 (36) 1-(3-trifluoromethylphenyl)piperazine (TFMPP), its
4 optical isomers, salts, and salts of isomers;
- 5 (37) Alpha-methyltryptamine (AMT), its isomers, salts, and
6 salts of isomers;
- 7 (38) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its
8 isomers, salts, and salts of isomers;
- 9 (39) Salvia divinorum;
- 10 (40) Salvinorin A;
- 11 (41) Divinorin A; [~~and~~]
- 12 (42) 5-Methoxy-N,N-Dimethyltryptamine (5-MeO-DIPT) (some
13 trade or other names: 5-methoxy-3-[2-
14 (dimethylamino)ethyl]indole; 5-MeO-DMT0 [-]);
- 15 (43) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
- 16 (44) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);
- 17 (45) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
- 18 (46) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
- 19 (47) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-
20 2);
- 21 (48) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine
22 (2C-T-4);

- 1 (49) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- 2 (50) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
- 3 (51) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);
- 4 (52) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-
- 5 methoxybenzyl)ethanamine, its optical, positional, and
- 6 geometric isomers, salts and salts of isomers (Other
- 7 names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5);
- 8 (53) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-
- 9 methoxybenzyl)ethanamine, its optical, positional, and
- 10 geometric isomers, salts and salts of isomers (Other
- 11 names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82); and
- 12 (54) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-
- 13 methoxybenzyl)ethanamine, its optical, positional, and
- 14 geometric isomers, salts and salts of isomers (Other
- 15 names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36)."

16 2. By amending subsection (g) to read as follows:

17 "(g) Any of the following cannabinoids, their salts,

18 isomers, and salts of isomers, unless specifically excepted,

19 whenever the existence of these salts, isomers, and salts of

20 isomers is possible within the specific chemical designation:

- 21 (1) Tetrahydrocannabinols; meaning tetrahydrocannabinols
- 22 naturally contained in a plant of the genus Cannabis

1 (cannabis plant), as well as synthetic equivalents of
2 the substances contained in the plant, or in the
3 resinous extractives of Cannabis, sp. or synthetic
4 substances, derivatives, and their isomers with
5 similar chemical structure and pharmacological
6 activity to those substances contained in the plant,
7 such as the following: Delta 1 cis or trans
8 tetrahydrocannabinol, and their optical isomers; Delta
9 6 cis or trans tetrahydrocannabinol, and their optical
10 isomers; and Delta 3,4 cis or trans-
11 tetrahydrocannabinol, and its optical isomers (since
12 nomenclature of these substances is not
13 internationally standardized, compounds of these
14 structures, regardless of numerical designation of
15 atomic positions, are covered);

16 (2) Naphthoylindoles; meaning any compound containing a 3-
17 (1-naphthoyl) indole structure with substitution at
18 the nitrogen atom of the indole ring by a alkyl,
19 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
20 1-(N-methyl-2-piperidiny) methyl or 2-(4-morpholinyl)
21 ethyl group, whether or not further substituted in the

- 1 indole ring to any extent and whether or not
2 substituted in the naphthyl ring to any extent;
- 3 (3) Naphthylmethylindeles; meaning any compound containing
4 a 1H-indol-3-yl-(1-naphthyl) methane structure with
5 substitution at the nitrogen atom of the indole ring
6 by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
7 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or
8 2-(4-morpholinyl) ethyl group whether or not further
9 substituted in the indole ring to any extent and
10 whether or not substituted in the naphthyl ring to any
11 extent;
- 12 (4) Naphthoylpyrroles; meaning any compound containing a
13 3-(1-naphthoyl) pyrrole structure with substitution at
14 the nitrogen atom of the pyrrole ring by a alkyl,
15 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
16 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)
17 ethyl group whether or not further substituted in the
18 pyrrole ring to any extent, whether or not substituted
19 in the naphthyl ring to any extent;
- 20 (5) Naphthylmethylindenes; meaning any compound containing
21 a naphthylideneindene structure with substitution at
22 the 3-position of the indene ring by a alkyl,

1 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
2 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)
3 ethyl group whether or not further substituted in the
4 indene ring to any extent, whether or not substituted
5 in the naphthyl ring to any extent;

6 (6) Phenylacetylindoles; meaning any compound containing a
7 3-phenylacetylindole structure with substitution at
8 the nitrogen atom of the indole ring by a alkyl,
9 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
10 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)
11 ethyl group whether or not further substituted in the
12 indole ring to any extent, whether or not substituted
13 in the phenyl ring to any extent;

14 (7) Cyclohexylphenols; meaning any compound containing a
15 2-(3-hydroxycyclohexyl) phenol structure with
16 substitution at the 5-position of the phenolic ring by
17 a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
18 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or
19 2-(4-morpholinyl) ethyl group whether or not
20 substituted in the cyclohexyl ring to any extent;

21 (8) Benzoylindoles; meaning any compound containing a 3-

- 1 (benzoyl) indole structure with substitution at the
2 nitrogen atom of the indole ring by a alkyl,
3 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
4 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)
5 ethyl group whether or not further substituted in the
6 indole ring to any extent and whether or not
7 substituted in the phenyl ring to any extent;
- 8 (9) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)
9 pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
10 naphthalenylmethanone (another trade name is WIN
11 55,212-2);
- 12 (10) (6a,10a)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-
13 methyloctan-2-yl)-6a,7,10,10a-
14 tetrahydrobenzo[c]chromen-1-ol (other trade names are:
15 HU-210 and HU-211); [and]
- 16 (11) Tetramethylcyclopropanoylindoles; meaning any compound
17 containing a 3-tetramethylcyclopropanoylindole
18 structure with substitution at the nitrogen atom of
19 the indole ring by an alkyl, haloalkyl, cyanoalkyl,
20 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-
21 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,
22 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-

1 morpholinyl)methyl, or tetrahydropyranylmethyl group,
2 whether or not further substituted in the indole ring
3 to any extent and whether or not substituted in the
4 tetramethylcyclopropyl ring to any extent[-]; and
5 (12) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide,
6 its optical, positional, and geometric isomers, salts
7 and salts of isomers. (Other names: APINACA, AKB48)."

8 SECTION 2. Section 329-20, Hawaii Revised Statutes, is
9 amended by amending subsection (d) to read as follows:


10 "(d) Stimulants. Unless listed in another schedule, any
11 material, compound, mixture, or preparation which contains any
12 quantity of the following substances having a stimulant effect
13 on the central nervous system, including its salts, isomers, and
14 salts of such isomers whenever the existence of such salts,
15 isomers, and salts of isomers is possible within the specific
16 chemical designation:

- 17 (1) Cathine ((+)-norpseudoephedrine);
- 18 (2) Diethylpropion;
- 19 (3) Fencamfamin;
- 20 (4) Fenproporex;
- 21 (5) Mazindol;
- 22 (6) Mefenorex;

- 1 (7) Modafinil;
- 2 (8) Phentermine;
- 3 (9) Pemoline (including organometallic complexes and
- 4 chelates thereof);
- 5 (10) Pipradrol;
- 6 (11) Sibutramine; [~~and~~]
- 7 (12) SPA (1-dimethylamino-1,2-diphenylethane,
- 8 lefetamine) [-]; and
- 9 (13) Lorcaserin."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

13
14 INTRODUCED BY: 

15 BY REQUEST

S.B. NO. 2982

Report Title:

Uniform Controlled Substances Act; Federal Conformity

Description:

Updates Chapter 329, Hawaii Revised Statutes (HRS), to make it consistent with amendments in federal law on controlled substances. Amends sections 329-14 and 329-20, HRS, to add new controlled substances federally scheduled as required under section 329-11, HRS.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

PURPOSE: Update chapter 329, Hawaii Revised Statutes (HRS), by adding new controlled substances that were emergency scheduled or added to comply with changes to the federal Controlled Substance Act designated under section 329-11.

MEANS: Amend sections 329-14(d) and (g) and 329-20(d), HRS.

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

- (1) Update Hawaii's Uniform Controlled Substances Act, section 329-14(d) HRS, by adding 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-nitrophenyl)ethanamine (2C-N), 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P) to the list of Schedule I hallucinogenic 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 these hallucinogenic substances in Schedule I.
- (2) Update Hawaii's Uniform Controlled Substances Act, section 329-14(d) HRS, with changes made to the Federal Controlled Substance Act, 78 Federal

Register 221, by adding 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), 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) to the list of Schedule I hallucinogenic substances.

- (3) Update Hawaii's Uniform Controlled Substances Act, chapter 329, HRS, with changes made to the Federal Controlled Substance Act, 78 Federal Register 26701, by adding the drug Lorcaserin to Schedule IV as required by section 329-11(d), HRS.

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

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OTHER AFFECTED
AGENCIES:

Department of Health Food and Drug Branch,
Federal State and County law enforcement.

EFFECTIVE DATE:

Upon approval.