

S.B. NO. 1131

JAN 28 2015

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

3 "(e) Narcotic drugs. Unless specifically excepted or unless
4 listed in another schedule, any material, compound, mixture, or
5 preparation containing any of the following narcotic drugs, or
6 their salts, or alkaloid, in limited quantities as set forth
7 below:

8 (1) Not more than 1.8 grams of codeine, or any of its salts,
9 per 100 milliliters or not more than 90 milligrams per
10 dosage unit, with an equal or greater quantity of an
11 isoquinoline alkaloid of opium;

12 (2) Not more than 1.8 grams of codeine, or any of its salts,
13 per 100 milliliters or not more than 90 milligrams per
14 dosage unit, with one or more active, nonnarcotic
15 ingredients in recognized therapeutic amounts;

16 ~~[(3) Not more than 300 milligrams of dihydrocodeinone~~
17 ~~(Hydrocodone), or any of its salts, per 100 milliliters~~

1 ~~or not more than 15 milligrams per dosage unit, with a~~
2 ~~fourfold or greater quantity of an isoquinoline alkaloid~~
3 ~~of opium provided that these narcotic drugs shall be~~
4 ~~monitored pursuant to section 329 101;~~

5 ~~(4) Not more than 300 milligrams of dihydrocodeinone~~
6 ~~(Hydrocodone), or any of its salts per 100 milliliters~~
7 ~~or not more than 15 milligrams per dosage unit, with one~~
8 ~~or more active, nonnarcotic ingredients in recognized~~
9 ~~therapeutic amounts provided that these narcotic drugs~~
10 ~~shall be monitored pursuant to section 329 101;]~~

11 ~~[(5)]~~ (3) Not more than 1.8 grams of dihydrocodeine, or any
12 of its salts, per 100 milliliters or not more than 90
13 milligrams per dosage unit, with one or more active,
14 nonnarcotic ingredients in recognized therapeutic
15 amounts;

16 ~~[(6)]~~ (4) Not more than 300 milligrams of ethylmorphine, or
17 any of its salts, per 100 milliliters or not more than
18 15 milligrams per dosage unit, with one or more
19 ingredients in recognized therapeutic amounts;

20 ~~[(7)]~~ (5) Not more than 500 milligrams of opium per 100
21 milliliters or per 100 grams, or not more than 25
22 milligrams per dosage unit, with one or more active

1 nonnarcotic ingredients in recognized therapeutic
2 amounts;

3 ~~[(8)]~~ (6) Not more than 50 milligrams of morphine or any of
4 its salts, per 100 milliliters or per 100 grams with one
5 or more active, nonnarcotic ingredients in recognized
6 therapeutic amounts; and

7 ~~[(9)]~~ (7) Buprenorphine."

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

10 "(b) Depressants. Any material, compound, mixture, or
11 preparation which contains any quantity of the following
12 substances, including its salts, isomers, esters, ethers, and
13 salts of isomers, whenever the existence of these isomers,
14 esters, ethers, and salts is possible within the specific
15 chemical designation, that has a degree of danger or probable
16 danger associated with a depressant effect on the central
17 nervous system:

18 (1) Alprazolam;

19 (2) Barbitol;

20 (3) Bromazepam;

21 (4) Butorphanol;

22 (5) Camazepam;

- 1 (6) Carisoprodol;
- 2 (7) Chloral betaine;
- 3 (8) Chloral hydrate;
- 4 (9) Chlordiazepoxide;
- 5 (10) Clobazam;
- 6 (11) Clonazepam;
- 7 (12) Clorazepate;
- 8 (13) Clotiazepam;
- 9 (14) Cloxazolam;
- 10 (15) Delorazepam;
- 11 (16) Dichloralphenazone (Midrin);
- 12 (17) Diazepam;
- 13 (18) Estazolam;
- 14 (19) Ethchlorvynol;
- 15 (20) Ethinamate;
- 16 (21) Ethyl loflazepate;
- 17 (22) Fludiazepam;
- 18 (23) Flunitrazepam;
- 19 (24) Flurazepam;
- 20 (25) Fospropofol (Lusedra);
- 21 (26) Halazepam;
- 22 (27) Haloxazolam;

- 1 (28) Ketazolam;
- 2 (29) Loprazolam;
- 3 (30) Lorazepam;
- 4 (31) Lormetazepam;
- 5 (32) Mebutamate;
- 6 (33) Medazepam;
- 7 (34) Meprobamate;
- 8 (35) Methohexital;
- 9 (36) Methylphenobarbital (mephobarbital);
- 10 (37) Midazolam;
- 11 (38) Nimetazepam;
- 12 (39) Nitrazepam;
- 13 (40) Nordiazepam;
- 14 (41) Oxazepam;
- 15 (42) Oxazolam;
- 16 (43) Paraldehyde;
- 17 (44) Petrichloral;
- 18 (45) Phenobarbital;
- 19 (46) Pinazepam;
- 20 (47) Prazepam;
- 21 (48) Quazepam;
- 22 (49) Suvorexant;

- 1 [~~49~~] (50) Temazepam;
2 [~~50~~] (51) Tetrazepam;
3 [~~51~~] (52) Triazolam;
4 [~~52~~] (53) Zaleplon;
5 [~~53~~] (54) Zolpidem; and
6 [~~54~~] (55) Zopiclone (Lunesta)."

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

9 "(g) Narcotic drugs. Unless specifically excepted or
10 unless listed in another schedule, any material, compound,
11 mixture, or preparation containing any of the following narcotic
12 drugs, or their salts calculated as the free anhydrous base or
13 alkaloid, in limited quantities as set forth below:

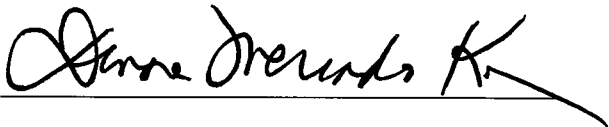
- 14 (1) Not more than one milligram of difenoxin and not less
15 than twenty-five micrograms of atropine sulfate per
16 dosage unit; [~~and~~]
17 (2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-
18 diphenyl-3-methyl-2-propionoxybutane) [~~-~~]; and
19 (3) 2-[(dimethylamino)methyl]-1-(3-
20 methoxyphenyl)cyclohexanol, its salts, optical and
21 geometric isomers and salts of these isomers
22 (including tramadol)."

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1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: 

BY REQUEST

S.B. NO. 1131

Report Title:

Uniform Controlled Substances Act

Description:

Updates chapter 329, Hawaii Revised Statutes, to make it consistent with amendments in federal law on controlled substances; amends section 329-20 to add new controlled substances federally scheduled as required under section 329-11.

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 deleting controlled substances and 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 329-18(e) and 329-20(b) and (g), HRS.

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

- (1) Update Hawaii's Uniform Controlled Substance Act, chapter 329, HRS, with changes made to the Federal Controlled Substance Act, Federal Register 79, Number 163 FR Doc No: 2014-19922, that rescheduled all Hydrocodone containing products to be classified as a Schedule II controlled substance under section 329-16(b)(1)(I), HRS, and deleted from section 329-18(e)(3) and (4), HRS, in accordance with section 329-11(d), HRS.
- (2) Update Hawaii's Uniform Controlled Substances Act, with changes made to the Federal Controlled Substance Act, Federal Register 79, Number 167 FR Doc No: 2014-20515, by adding the depressant [(7R)-4-(5-chloro-1,3-benzoxazol-2-yl)-7-methyl-1,4-diazepan-1-yl][5-methyl-2-(2H-1,2,3-triazol-2-yl)phenyl]methanone (suvorexant), its optical, positional, and geometric isomers, salts and salts of isomers to schedule IV as required by section 329-11(d) HRS.
- (3) Update Hawaii's Uniform Controlled Substances Act, with changes made to the Federal Controlled Substance Act, Federal Register 79, Number 127 FR Doc No: 2014-15548, by adding the narcotic drug 2-

[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol (tramadol), including its salts, isomers, and salts of isomers, 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 with that of Federal law.

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.

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.