

JAN 25 2017

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## A BILL FOR AN ACT

RELATING TO THE CONTROLLED SUBSTANCES ACT.

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

1           SECTION 1. Section 329-38, Hawaii Revised Statutes, is  
2 amended by amending subsection (f) to read as follows:

3           "(f) The effectiveness of a prescription for the purposes  
4 of this section shall be determined as follows:

5           (1) A prescription for a controlled substance shall be  
6           issued for a legitimate medical purpose by an  
7           individual practitioner acting in the usual course of  
8           the practitioner's professional practice. The  
9           responsibility for the proper prescribing and  
10          dispensing of controlled substances shall be upon the  
11          prescribing practitioner, but a corresponding  
12          responsibility shall rest with the pharmacist who  
13          fills the prescription. An order purporting to be a  
14          prescription issued not in the usual course of  
15          professional treatment or for legitimate and  
16          authorized research shall not be deemed a prescription  
17          within the meaning and intent of this section, and the



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1 person who knowingly fills such a purported  
2 prescription, as well as the person who issues the  
3 prescription, shall be subject to the penalties  
4 provided for violations of this chapter;

5 (2) A prescription may not be issued to allow an  
6 individual practitioner to obtain controlled  
7 substances for supplying the individual practitioner  
8 for the purpose of general dispensing to patients;

9 (3) A prescription may not be issued for the dispensing of  
10 narcotic drugs listed in any schedule for the purpose  
11 of "detoxification treatment" or "maintenance  
12 treatment" except as follows:

13 (A) The administering or dispensing directly (but not  
14 prescribing) of narcotic drugs listed in any  
15 schedule to a narcotic drug-dependent person for  
16 "detoxification treatment" or "maintenance  
17 treatment" shall be deemed to be "in the course  
18 of a practitioner's professional practice or  
19 research" so long as the practitioner is  
20 registered separately with the department and the  
21 federal Drug Enforcement ~~[Agency]~~ Administration



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1 as required by section 329-32(e) and complies  
2 with [Title] title 21 [~~Code of Federal~~  
3 ~~Regulations~~] United States Code section 823(g)  
4 and any other federal or state regulatory  
5 standards relating to treatment qualification,  
6 security, records, and unsupervised use of drugs;  
7 [and]

8 (B) Nothing in this section shall prohibit a  
9 physician or authorized hospital staff from  
10 administering or dispensing, but not prescribing,  
11 narcotic drugs in a hospital to maintain or  
12 detoxify a person as an incidental adjunct to  
13 medical or surgical treatment of conditions other  
14 than addiction; and

15 (C) An individual practitioner may administer or  
16 dispense (including prescribe) any schedule III,  
17 IV, or V narcotic drug approved by the United  
18 States Food and Drug Administration specifically  
19 for use as a "detoxification treatment" or  
20 "maintenance treatment" to a narcotic drug-  
21 dependent person; provided that the practitioner





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**Report Title:**

Controlled Substances Act; Prescriptions; Detoxification Treatment; Maintenance Treatment; Buprenorphine

**Description:**

Amends Hawaii's controlled substances act to mirror federal regulations, which permit qualified practitioners to administer, dispense, and prescribe any schedule III, IV, or V narcotic drug approved by the Food and Drug Administration for use as a detoxification treatment or maintenance treatment; provided the practitioner complies with specific federal requirements.

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