

JAN 25 2017

---

---

# 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 by amending subsection (b) to read as follows:

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

- 8           (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-  
9 phenethyl)-4-piperidinyl]-N-phenylacetamide);
- 10           (2) Acetylmethadol;
- 11           (3) Allylprodine;
- 12           (4) Alphacetylmethadol (except levo-alphacetylmethadol,  
13 levomethadyl acetate, or LAAM);
- 14           (5) Alphameprodine;
- 15           (6) Alphamethadol;
- 16           (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-  
17 phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-  
18 2-phenylethyl)-4-(N-propanilido) piperidine);

- 1 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
- 2 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- 3 (9) Benzethidine;
- 4 (10) Betacetylmethadol;
- 5 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
- 6 piperidinyl]-N-phenylpropanamide);
- 7 (12) Beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-
- 8 phenethyl)-3-methyl-4-piperidinyl]-N-
- 9 phenylpropanamide);
- 10 (13) Betameprodine;
- 11 (14) Betamethadol;
- 12 (15) Betaprodine;
- 13 (16) Clonitazene;
- 14 (17) Dextromoramide;
- 15 (18) Diampromide;
- 16 (19) Diethylthiambutene;
- 17 (20) Difenoxin;
- 18 (21) Dimenoxadol;
- 19 (22) Dimepheptanol;
- 20 (23) Dimethylthiambutene;
- 21 (24) Dioxaphetyl butyrate;
- 22 (25) Dipipanone;

- 1 (26) Ethylmethylthiambutene;
- 2 (27) Etonitazene;
- 3 (28) Etoxeridine;
- 4 (29) Furethidine;
- 5 (30) Hydroxypethidine;
- 6 (31) Ketobemidone;
- 7 (32) Levomoramide;
- 8 (33) Levophenacymorphan;
- 9 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 10 piperidyl]-N-phenylpropanamide);
- 11 (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-
- 12 4-piperidinyl]-N-phenylpropanamide);
- 13 (36) Morpheridine;
- 14 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 15 (38) Noracymethadol;
- 16 (39) Norlevorphanol;
- 17 (40) Normethadone;
- 18 (41) Norpipanone;
- 19 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
- 20 phenethyl)-4-piperidinyl] propanamide;
- 21 (43) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine;
- 22 (44) Phenadoxone;

- 1 (45) Phenampromide;
- 2 (46) Phenomorphan;
- 3 (47) Phenoperidine;
- 4 (48) Piritramide;
- 5 (49) Proheptazine;
- 6 (50) Properidine;
- 7 (51) Propiram;
- 8 (52) Racemoramide;
- 9 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl) ethyl-4-
- 10 piperidinyl]-propanamide);
- 11 (54) Tilidine;
- 12 (55) Trimeperidine;
- 13 (56) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide
- 14 (benzylfentanyl), its optical isomers, salts, and
- 15 salts of isomers;
- 16 (57) N-[1-(2-thienyl)methyl-4-piperidyl]-N-
- 17 phenylpropanamide (thenylfentanyl), its optical
- 18 isomers, salts, and salts of isomers; [and]
- 19 (58) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide,
- 20 (acetyl fentanyl), its optical, positional, and
- 21 geometric isomers, salts, and salts of isomers[-];

- 1        (59) AH-7921 (3,4-dichloro-N-[(1- dimethylamino)  
2        cyclohexylmethyl]benzamide), its isomers, esters,  
3        ethers, salts, and salts of isomers, esters, and  
4        ethers;
- 5        (60) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, its  
6        isomers, esters, ethers, salts, and salts of isomers,  
7        esters, and ethers (Other names: Butyryl fentanyl);
- 8        (61) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-  
9        yl]-N-phenylpropionamide, its isomers, esters, ethers,  
10       salts, and salts of isomers, esters, and ethers (Other  
11       names: beta-hydroxythiofentanyl);
- 12       (62) N-(1-phenthylpiperidin-4-yl)-N-phenylfuran-2-  
13       carboxamide, its isomers, esters, ethers, salts, and  
14       salts of isomers, esters, and ethers (other names:  
15       Furanyl fentanyl); and
- 16       (63) 3,4-dicholoro-N-[2-(dimethylamino)cyclohexyl]-N-  
17       methylbenzamide, its isomers, esters, ethers, salts,  
18       and salts of isomers, esters, and ethers (Other names:  
19       U-47700)."

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

1           "(g) Any of the following cannabinoids, their salts,  
2 isomers, and salts of isomers, unless specifically excepted,  
3 whenever the existence of these salts, isomers, and salts of  
4 isomers is possible within the specific chemical designation:

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

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

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



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

- 1           (11) Tetramethylcyclopropanoylindoles; meaning any compound  
2           containing a 3-tetramethylcyclopropanoylindole  
3           structure with substitution at the nitrogen atom of  
4           the indole ring by an alkyl, haloalkyl, cyanoalkyl,  
5           alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-  
6           methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,  
7           1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
8           morpholinyl)methyl, or tetrahydropyranylmethyl group,  
9           whether or not further substituted in the indole ring  
10          to any extent and whether or not substituted in the  
11          tetramethylcyclopropyl ring to any extent.
- 12          (12) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide,  
13          its optical, positional, and geometric isomers, salts,  
14          and salts of isomers. (Other names: APINACA, AKB48);
- 15          (13) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate, its  
16          optical, positional, and geometric isomers, salts, and  
17          salts of isomers (Other names: PB-22; QUPIC);
- 18          (14) Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-  
19          carboxylate, its optical, positional, and geometric  
20          isomers, salts, and salts of isomers (Other names: 5-  
21          fluoro-PB-22; 5F-PB-22);

- 1 (15) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-  
2 fluorobenzyl)-1H-indazole-3-carboxamide, its optical,  
3 positional, and geometric isomers, salts, and salts of  
4 isomers (Other names: AB-FUBINACA);
- 5 (16) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-  
6 indazole-3-carboxamide, its optical, positional, and  
7 geometric isomers, salts, and salts of isomers (Other  
8 names: ADB-PINACA);
- 9 (17) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-  
10 (cyclohexylmethyl)-1H-indazole-3-carboxamide, its  
11 optical, positional, and geometric isomers, salts, and  
12 salts of isomers (Other names: AB-CHMINACA);
- 13 (18) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-  
14 indazole-3-carboxamide, and geometric isomers, salts,  
15 and salts of isomers (Other names: AB-PINACA);
- 16 (19) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-  
17 yl)methanone, and geometric isomers, salts, and salts  
18 of isomers (Other names: THJ-2201);
- 19 (20) Methyl (1-(4-fluorobenzyl)-1 H-indazole-3-carbonyl)-L-  
20 valinate, and geometric isomers, salts, and salts of  
21 isomers (Other names: FUB-AMB);

- 1 (21) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-  
2 carboxamido)-3-methylbutanoate, and geometric isomers,  
3 salts, and salts of isomers (Other names: 5-fluoro-  
4 AMB, 5-fluoro-AMP);
- 5 (22) N-(3s, 5s, 7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-  
6 indazole-3-carboxamide, and geometric isomers, salts,  
7 and salts of isomers (Other names: AKB48 N-(5-  
8 fluoropentyl) analog, 5F-AKB48, APINACA 5-fluoropentyl  
9 analog, 5F-APINACA);
- 10 (23) N-adamantyl-1-fluoropentylindole-3-Carboxamide, and  
11 geometric isomers, salts, and salts of isomers (Other  
12 names: STS-135, 5F-APICA; 5-fluoro-APICA);
- 13 (24) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-  
14 carboxylate, and geometric isomers, salts, and salts  
15 of isomers (Other names: NM2201); [~~and~~]
- 16 (25) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-  
17 (cyclohexylmethyl)-1H-indazole-3-carboxamide, and  
18 geometric isomers, salts, and salts of isomers (Other  
19 names: MAB-CHMINACA and ADB-CHMINACA) [~~-~~]; and
- 20 (26) Methyl -2-[1-(5-fluoropentyl)-1H-indazole-3-  
21 carboxamido]-3,3-dimethylbutanoate (other names: 5F-  
22 ADB, 5-flouro-ADB and 5F-MDMB-PINACA), its optical,

1           positional, and geometric isomers, salts, and salts of  
2           isomers."

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

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

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

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

1 SECTION 4. Section 329-22, Hawaii Revised Statutes, is  
2 amended by amending subsection (d) to read as follows:

3 "(d) Depressants. Unless specifically exempted or  
4 excluded or unless listed in another schedule, any material,  
5 compound, mixture, or preparation that contains any quantity of  
6 the following substances having a depressant effect on the  
7 central nervous system, including its salts, isomers, and salts  
8 of isomers:

- 9 (1) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-  
10 propionamide], (Vimpat); [~~and~~]  
11 (2) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic  
12 acid] [-]; and  
13 (3) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-  
14 yl]butanamide) (Other names: BRV; UCB-34714; Briviact)  
15 and its salts."

16 SECTION 4. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

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

19

20

INTRODUCED BY:

*Ann D. W.*

21

BY REQUEST

S.B. NO. 997

**Report Title:**

Uniform Controlled Substances Act

**Description:**

Updates chapter 329, Hawaii Revised Statutes, to include emergency scheduling as required under section 329-11 incorporating amendments made to the federal Controlled Substance Act.

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



# SB. NO. 997

## JUSTIFICATION SHEET

DEPARTMENT: Public Safety

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

PURPOSE: Updates chapter 329, Hawaii Revised Statutes (HRS), to make it consistent with amendments in federal controlled substances law as required under section 329-11.

MEANS: Amend sections 329-14(b), 329-14(g), 329-16(c), and 329-22(d), HRS.

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

- (1) Update Hawaii's Uniform Controlled Substances Act, chapter 329, HRS, with changes made to the Federal Controlled Substance Act, Federal Register Volume 81, Number 72 FR Doc No: 2016-08566, by adding AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers to schedule I in accordance with section 329-11(d) HRS.
- (2) Update Hawaii's Uniform Controlled Substances Act, chapter 329, HRS, with changes made to the Federal Controlled Substance Act, Federal Register Volume 81, Number 92 FR Doc No: 2016-11219 adding N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other names: Butyryl fentanyl) to schedule I in accordance with section 329-11(d) HRS.
- (3) Update Hawaii's Uniform Controlled Substances Act, chapter 329, HRS, with changes made to the Federal Controlled Substance Act, Federal Register Volume 81, Number 92, FR Doc No: 2016-11219, by adding N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-

# SB. NO. 997

phenylpropionamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: beta-hydroxythiofentanyl) to schedule I in accordance with section 329-11(d), HRS.

- (4) Update Hawaii's Uniform Controlled Substances Act, chapter 329, HRS, with changes made to the Federal Controlled Substance Act, Federal Register Volume 81, Number 229 FR Doc No: 2016-28693, by adding N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: Furanyl fentanyl) to schedule I in accordance with section 329-11(d), HRS.
- (5) Update Hawaii's Uniform Controlled Substances Act, chapter 329, HRS, with 3,4-dichloro-N-[2-(demethylamino)cyclohexyl]-N-methylbenzamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: U-47700) to schedule I in accordance with section 329-aa(e), HRS.
- (6) Update Hawaii's Uniform Controlled Substances Act, chapter 329, HRS, with Methyl -2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (Other names: 5F-ADB, 5-flouro-ADB and 5F-MDMB-PINACA), its optical, positional, and geometric isomers, salts, and salts of isomers to schedule I in accordance with section 329-11(e), HRS.
- (7) Update Hawaii's Uniform Controlled Substances Act, chapter 329, HRS, with changes made to the Federal Controlled Substance Act, Federal Register Volume 81, Number 166, FR Doc No: 2016-20463, by adding *Thiafentanil* to schedule II in accordance with section 329-11(d) HRS.

# SB. NO. 997

- (8) Update Hawaii's Uniform Controlled Substance Act, chapter 329, HRS, with changes made to the Federal Controlled Substance Act, Federal Register Volume 81, Number 92, FR Doc No: 2016-11245, by adding Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (Other names: BRV; UCB-34714; Briviact) and its salts to schedule V in accordance with section 329-11(d) HRS.

Impact on the public: This bill is intended to protect the public by updating Hawaii's controlled substance schedules consistent with 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.