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# 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 329-16, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) Any of the following substances, except those  
4 narcotic drugs listed in other schedules, whether produced  
5 directly or indirectly by extraction from substances of  
6 vegetable origin, or independently by means of chemical  
7 synthesis, or by combination of extraction and chemical  
8 synthesis:

9           (1) Opium and opiate, and any salt, compound, derivative,  
10 or preparation of opium or opiate, excluding  
11 apomorphine, thebaine-derived butorphanol,  
12 dextrorphan, nalbuphine, nalmefene, naloxegol,  
13 naloxone, and naltrexone, and their respective salts,  
14 but including the following:

- 15           (A) Raw opium;  
16           (B) Opium extracts;  
17           (C) Opium fluid;



- 1 (D) Powdered opium;
- 2 (E) Granulated opium;
- 3 (F) Codeine;
- 4 (G) Ethylmorphine;
- 5 (H) Etorphine hydrochloride;
- 6 (I) Hydrocodone;
- 7 (J) Hydromorphone;
- 8 (K) Metopon;
- 9 (L) Morphine;
- 10 (M) Oxycodone;
- 11 (N) Oxymorphone;
- 12 (O) Thebaine;
- 13 (P) Dihydroetorphine;
- 14 (Q) Oripavine; and
- 15 (R) Tincture of opium;
- 16 (2) Any salt, compound, isomer, derivative, or preparation
- 17 thereof which is chemically equivalent or identical
- 18 with any of the substances referred to in paragraph
- 19 (1), but not including the isoquinoline alkaloids of
- 20 opium;
- 21 (3) Opium poppy and poppy straw;



- 1           (4)   Coca leaves and any salt, compound, derivative, or  
2                   preparation of coca leaves, and any salt, compound,  
3                   derivative, or preparation thereof which is chemically  
4                   equivalent or identical with any of these substances,  
5                   but not including decocanized coca leaves or  
6                   extractions which do not contain cocaine or ecgonine;  
7                   cocaine or any salt or isomer thereof; and
- 8           (5)   Concentrate of poppy straw (the crude extract of poppy  
9                   straw in either liquid, solid, or powder form that  
10                  contains the phenanthrene alkaloids of the opium  
11                  poppy). "

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

14           "(h)   The effectiveness of a prescription for the purposes  
15 of this section shall be determined as follows:

- 16           (1)   A prescription for a controlled substance shall be  
17                   issued for a legitimate medical purpose by an  
18                   individual practitioner acting in the usual course of  
19                   the practitioner's professional practice.   The  
20                   responsibility for the proper prescribing and  
21                   dispensing of controlled substances shall be upon the



1           prescribing practitioner, but a corresponding  
2           responsibility shall rest with the pharmacist who  
3           fills the prescription. An order purporting to be a  
4           prescription issued not in the usual course of  
5           professional treatment or for legitimate and  
6           authorized research shall not be deemed a prescription  
7           within the meaning and intent of this section, and the  
8           person who knowingly fills such a purported  
9           prescription, as well as the person who issues the  
10          prescription, shall be subject to the penalties  
11          provided for violations of this chapter;

12          (2) A prescription may not be issued to allow an  
13          individual practitioner to obtain controlled  
14          substances for supplying the individual practitioner  
15          for the purpose of general dispensing to patients;

16          ~~[(3) A prescription may not be issued for the dispensing of~~  
17          ~~narcotic drugs listed in any schedule for the purpose~~  
18          ~~of "medically managed withdrawal", also known as~~  
19          ~~"detoxification treatment", or "maintenance treatment"~~  
20          ~~except as follows:~~



1           ~~(A) The administering or dispensing directly (but not~~  
2           ~~prescribing) of narcotic drugs listed in any~~  
3           ~~schedule to a narcotic drug dependent person for~~  
4           ~~"medically managed withdrawal", also known as~~  
5           ~~"detoxification treatment" or "maintenance~~  
6           ~~treatment" shall be deemed to be "in the course~~  
7           ~~of a practitioner's professional practice or~~  
8           ~~research" so long as the practitioner is~~  
9           ~~registered separately with the department and the~~  
10          ~~federal Drug Enforcement Agency as required by~~  
11          ~~section 329-32(e) and complies with Title 21 Code~~  
12          ~~of Federal Regulations section 823(g) and any~~  
13          ~~other federal or state regulatory standards~~  
14          ~~relating to treatment qualification, security,~~  
15          ~~records, and unsupervised use of drugs; and~~  
16          ~~(B) Nothing in this section shall prohibit a~~  
17          ~~physician or authorized hospital staff from~~  
18          ~~administering or dispensing, but not prescribing,~~  
19          ~~narcotic drugs in a hospital to maintain or~~  
20          ~~detoxify a person as an incidental adjunct to~~



1 ~~medical or surgical treatment of conditions other~~  
2 ~~than addiction,]~~

3 (3) A prescription may not be issued for "medically  
4 managed withdrawal", also known as "detoxification  
5 treatment" or "maintenance treatment", unless the  
6 prescription is for a schedule III, IV, or V narcotic  
7 drug approved by the Food and Drug Administration  
8 specifically for use in maintenance or detoxification  
9 treatment and the practitioner is in compliance with  
10 title 21 Code of Federal Regulations section 1301.28,  
11 the registration requirements of section 329-32(e),  
12 and any other federal or state regulatory standards  
13 relating to treatment qualification, security,  
14 records, and unsupervised use of drugs;

15 (4) A practitioner may administer or dispense directly  
16 (but not prescribe) a narcotic drug listed in any  
17 schedule to a narcotic dependent person for the  
18 purpose of maintenance or detoxification treatment if  
19 the practitioner meets both of the following  
20 conditions:



1           (A) The practitioner is separately registered with  
2           the Drug Enforcement Administration as a narcotic  
3           treatment program; and

4           (B) The practitioner is in compliance with Drug  
5           Enforcement Administration regulations regarding  
6           treatment qualifications, security, records, and  
7           unsupervised use of the drugs pursuant to this  
8           chapter;

9           (5) Nothing in this section shall prohibit a physician who  
10           is not specifically registered to conduct a narcotic  
11           treatment program from administering (but not  
12           prescribing) narcotic drugs to a person for the  
13           purpose of relieving acute withdrawal symptoms when  
14           necessary while arrangements are being made for  
15           referral for treatment. Not more than one day's  
16           medication may be administered to the person or for  
17           the person's use at one time. Such emergency  
18           treatment may be carried out for not more than three  
19           days and may not be renewed or extended;

20           (6) This section is not intended to impose any limitations  
21           on a physician or authorized hospital staff to



1           administer or dispense narcotic drugs in a hospital to  
2           maintain or detoxify a person as an incidental adjunct  
3           to medical or surgical treatment of conditions other  
4           than addiction, or to administer or dispense narcotic  
5           drugs to persons with intractable pain in which no  
6           relief or cure is possible or none has been found  
7           after reasonable efforts;

8           (7) A practitioner may administer or dispense (including  
9           prescribe) any schedule III, IV, or V narcotic drug  
10           approved by the Food and Drug Administration  
11           specifically for use in maintenance or detoxification  
12           treatment to a narcotic dependent person if the  
13           practitioner complies with the requirements of title  
14           21 Code of Federal Regulations section 1301.28, the  
15           registration and any requirements of section 329-  
16           32(e), and any other federal or state regulatory  
17           standards relating to treatment qualification,  
18           security, records, and unsupervised use of drugs;

19           ~~(4)~~ (8) An individual practitioner shall not prescribe or  
20           dispense a substance included in schedule II, III, IV,





1 or V for that individual practitioner's personal use,  
2 except in a medical emergency; and

3 ~~[(5)]~~ (9) A pharmacist shall not dispense a substance  
4 included in schedule II, III, IV, or V for the  
5 pharmacist's personal use."

6 SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Uniform Controlled Substances Act; Withdrawal; Detoxification; Maintenance

**Description:**

Updates Uniform Controlled Substances Act for consistency with federal law. Allows prescription of drugs to patients undergoing medically managed withdrawal, also known as detoxification treatment and maintenance treatment, by practitioners who are properly registered. (HB2384 HD1)

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

