



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 7, 2019

GOV. MSG. NO. 1196

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 7, 2019, the following bill was signed into law:

SB1263 SD1 HD1 CD1

RELATING TO THE UNIFORM CONTROLLED
SUBSTANCES ACT.
ACT 095 (19)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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 329-22, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§329-22 Schedule V. (a) The controlled substances
4 listed in this section are included in schedule V.

5 (b) Narcotic drugs containing nonnarcotic active medicinal
6 ingredients. Any compound, mixture, or preparation containing
7 limited quantities of any of the following narcotic drugs, which
8 also contains one or more nonnarcotic active medicinal ingredients
9 in sufficient proportion to confer upon the compound, mixture, or
10 preparation, valuable medicinal qualities other than those
11 possessed by the narcotic drug alone:

12 (1) Not more than 200 milligrams of codeine, or any of its
13 salts, per 100 milliliters or per 100 grams;

14 (2) Not more than 100 milligrams of dihydrocodeine, or any
15 of its salts, per 100 milliliters or per 100 grams;

16 (3) Not more than 100 milligrams of ethylmorphine, or any of
17 its salts, per 100 milliliters or per 100 grams;



1 (4) Not more than 2.5 milligrams of diphenoxylate and not
2 less than 25 micrograms of atropine sulfate per dosage
3 unit;

4 (5) Not more than 100 milligrams of opium per 100
5 milliliters or per 100 grams; and

6 (6) Not more than 0.5 milligram of difenoxin and not less
7 than 25 micrograms of atropine sulfate per dosage unit.

8 (c) Stimulants. Unless specifically exempted or excluded
9 or unless listed in another schedule, any material, compound,
10 mixture, or preparation that contains any quantity of the
11 following substances having a stimulant effect on the central
12 nervous system, including its salts, isomers, and salts of
13 isomers.

14 (d) Depressants. Unless specifically exempted or excluded
15 or unless listed in another schedule, any material, compound,
16 mixture, or preparation that contains any quantity of the
17 following substances having a depressant effect on the central
18 nervous system, including its salts, isomers, and salts of
19 isomers:

20 (1) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-
21 propionamide], (Vimpat);



- 1 (2) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic
- 2 acid]; and
- 3 (3) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-
- 4 yl]butanamide) (Other names: BRV; UCB-34714; Briviact)
- 5 and its salts.

6 (e) Approved cannabidiol drugs. A drug product in
 7 finished dosage formulation that has been approved by the United
 8 States Food and Drug Administration that contains cannabidiol
 9 (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-
 10 pentyl-1,3-benzenediol) derived from cannabis and no more than
 11 0.1 per cent (w/w) residual tetrahydrocannabinols."

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

14 "(i) Prescriptions for controlled substances shall be
 15 issued only as follows:

16 (1) All prescriptions for controlled substances shall
 17 originate from within the State and be dated as of,
 18 and signed on, the day when the prescriptions were
 19 issued and shall contain:

20 (A) The first and last name and address of the
 21 patient; and



1 (B) The drug name, strength, dosage form, quantity
2 prescribed, and directions for use. Where a
3 prescription is for gamma hydroxybutyric acid,
4 methadone, or buprenorphine, the practitioner
5 shall record as part of the directions for use,
6 the medical need of the patient for the
7 prescription.

8 Except for electronic prescriptions, controlled
9 substance prescriptions shall be no larger than eight
10 and one-half inches by eleven inches and no smaller
11 than three inches by four inches. A practitioner may
12 sign a prescription in the same manner as the
13 practitioner would sign a check or legal document
14 (e.g., J.H. Smith or John H. Smith) and shall use both
15 words and figures (e.g., alphabetically and
16 numerically as indications of quantity, such as five
17 (5)), to indicate the amount of controlled substance
18 to be dispensed. Where an electronic prescription is
19 permitted, either words or figures (e.g.,
20 alphabetically or numerically as indications of
21 quantity, such as five or 5), to indicate the amount



1 of controlled substance to be dispensed shall be
2 acceptable. Where an oral order or electronic
3 prescription is not permitted, prescriptions shall be
4 written with ink or indelible pencil or typed, shall
5 be manually signed by the practitioner, and shall
6 include the name, address, telephone number, and
7 registration number of the practitioner. The
8 prescriptions may be prepared by a secretary or agent
9 for the signature of the practitioner, but the
10 prescribing practitioner shall be responsible in case
11 the prescription does not conform in all essential
12 respects to this chapter and any rules adopted
13 pursuant to this chapter. In receiving an oral
14 prescription from a practitioner, a pharmacist shall
15 promptly reduce the oral prescription to writing,
16 which shall include the following information: the
17 drug name, strength, dosage form, quantity prescribed
18 in figures only, and directions for use; the date the
19 oral prescription was received; the full name, Drug
20 Enforcement Administration registration number, and
21 oral code number of the practitioner; and the name and



1 address of the person for whom the controlled
2 substance was prescribed or the name of the owner of
3 the animal for which the controlled substance was
4 prescribed.

5 A corresponding liability shall rest upon a
6 pharmacist who fills a prescription not prepared in
7 the form prescribed by this section. A pharmacist may
8 add a patient's missing address or change a patient's
9 address on all controlled substance prescriptions
10 after verifying the patient's identification and
11 noting the identification number on the back of the
12 prescription document on file. The pharmacist shall
13 not make changes to the patient's name, the controlled
14 substance being prescribed, the quantity of the
15 prescription, the practitioner's Drug Enforcement
16 Administration number, the practitioner's name, the
17 practitioner's electronic signature, or the
18 practitioner's signature;

19 (2) An intern, resident, or foreign-trained physician, or
20 a physician on the staff of a Department of Veterans
21 Affairs facility or other facility serving veterans,



1 exempted from registration under this chapter, shall
2 include on all prescriptions issued by the physician:

3 (A) The registration number of the hospital or other
4 institution; and

5 (B) The special internal code number assigned to the
6 physician by the hospital or other institution in
7 lieu of the registration number of the
8 practitioner required by this section.

9 The hospital or other institution shall forward a copy
10 of this special internal code number list to the
11 department as often as necessary to update the
12 department with any additions or deletions. Failure
13 to comply with this paragraph shall result in the
14 suspension of that facility's privilege to fill
15 controlled substance prescriptions at pharmacies
16 outside of the hospital or other institution. Each
17 written prescription shall have the name of the
18 physician stamped, typed, or hand-printed on it, as
19 well as the signature of the physician;

20 (3) An official exempted from registration shall include
21 on all prescriptions issued by the official:



1 (A) The official's branch of service or agency (e.g.,
2 "U.S. Army" or "Public Health Service"); and

3 (B) The official's service identification number, in
4 lieu of the registration number of the
5 practitioner required by this section. The
6 service identification number for a Public Health
7 Service employee shall be the employee's social
8 security or other government issued
9 identification number.

10 Each prescription shall have the name of the officer
11 stamped, typed, or handprinted on it, as well as the
12 signature of the officer; and

13 (4) A physician assistant registered to prescribe
14 controlled substances under the authorization of a
15 supervising physician shall include on all controlled
16 substance prescriptions issued:

17 (A) The Drug Enforcement Administration registration
18 number of the supervising physician; and

19 (B) The Drug Enforcement Administration registration
20 number of the physician assistant.



1 Each written controlled substance prescription issued
 2 shall include the printed, stamped, typed, or hand-
 3 printed name, address, and phone number of both the
 4 supervising physician and physician assistant, and
 5 shall be signed by the physician assistant. The
 6 medical record of each written controlled substance
 7 prescription issued by a physician assistant shall be
 8 reviewed and initialed by the physician assistant's
 9 supervising physician within seven working days."

10 SECTION 3. New statutory material is underscored.

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

APPROVED this 7 day of JUN, 2019

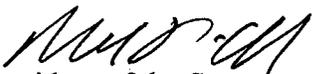


GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: April 30, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.


President of the Senate


Clerk of the Senate

SB No. 1263, SD 1, HD 1, CD 1

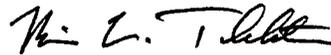
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives