

HB 944

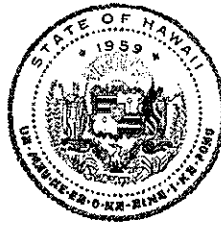
MEASURE TITLE

RELATING TO THE 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 329-14 to add new controlled substances emergency scheduled by the State under section 329-11; and amends section 329-75(h) to limit the penalty to violations of section 329-75(g) relating to pseudoephedrine.

NEIL ABERCROMBIE
GOVERNOR



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TESTIMONY ON HOUSE BILL (HB) 944
A BILL FOR AN ACT RELATING TO
UNIFORM CONTROLLED SUBSTANCES ACT

By

Ted Sakai, Director
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental and Military Affairs
Senator Will Espero, Chair
Senator Rosalyn H. Baker, Vice Chair

Tuesday, March 12, 2013, 2:45 p.m.
State Capitol, Room 224

Chair Espero, Vice Chair Baker, and Members of the Committee:

The Department of Public Safety (PSD) **supports** HB 944 which updates Hawaii's Uniform Controlled Substances Act, Chapter 329, Hawaii Revised Statutes (HRS) to be consistent with changes in Federal law as required by Section 329-11, HRS, as well as correct errors in spelling of the drugs methylone "3,4-methylenedioxymethcathinone" in section 329-14(f), HRS and "4-anilino-n-phenethyl-4-piperidine (ANPP)" in section 329-16(f)(3), HRS.

Due to the growing problem of synthetic hallucinogenic substances being developed for sale to the public as "herbal incense" or "bath salts" in the State and around the county, PSD's Narcotics Enforcement Division (NED) as well as the Federal Drug Enforcement Administration (DEA) has attempted to protect the public by placing in schedule the ever-increasing number of synthetic cannabinoids and cathinones labeled as "not for human consumption" but sold in retail shops with the promise of powerful hallucinogenic legal highs.

On February 29, 2012, the DEA scheduled five chemicals (JWH-018, JWH-073, JWH-200, CP-47,497, and CP-47,497 C8 Homologue) used to make

"fake pot" products. Except as authorized by law, this action made possessing and selling these chemicals or the products that contain them illegal in the U.S.

On April 19, 2012, Governor Neil Abercrombie signed into law Act 29 / HB 2600, HD2 that amended Chapter 329 HRS relating to controlled substances. Act 29 created a new subsection to address synthetic cannabinoid (such as K2, Spice, etc.) and substituted cathinones ("bath salts") as Schedule I controlled substances. However, in June of 2012, State and County law enforcement started discovering a new synthetic cannabinoid being sold throughout the State identified as (UR-144 a Tetramethylcyclopropanoylindole) trade names such as "Sexy Zombie, Hysteria Black, Black Sabbath" and marked "not for human consumption." Tetramethylcyclopropanoylindole is classified as a synthetic cannabinoid and should also be added to Section 329-14 HRS.

On October 7, 2012, in accordance with provisions set forth in Section 329-11(e) of the HRS, Emergency Scheduling Authority the Administrator of the NED, the synthetic cannabinoid family Tetramethylcyclopropanoylindoles was emergency scheduled as a Schedule I controlled substance listed under Section 329-14 (g) HRS.

HB 944 updates Update Hawaii's Uniform Controlled Substances Act, Chapter 329, HRS, due to changes made to the Federal Controlled Substance Act, 77 Federal Register 12201, by adding two new anabolic steroids methasterone (2 alpha-17 alpha-dimethyl-5 alpha-androstan-17beta-ol-3-one) and prostanazol (17 beta-hydroxy-5 alpha-androstano[3,2-c]pyrazole) to Schedule III as required by section 329-11(d), HRS.

HB 944 also amends section 329-75(h), relating to penalties for sales of products, mixtures, or preparations containing pseudoephedrine; reporting requirement for wholesalers to only section 329-75(g) that states that no person shall knowingly purchase, receive, or otherwise acquire products containing more than 3.6 grams per day or more than nine grams per thirty-day period of pseudoephedrine, except that this limit shall not apply to any quantity of such product, mixture, or preparation dispensed pursuant to a valid prescription as

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originally intended by this statute. Presently, the law indicates it's a Class C Felony if you violate sections 329-75 subsections b through g. Subsections b through f cover administrative program requirements and does not address criminal conduct.

Thank you for the opportunity to testify on this matter.

HB944

Submitted on: 3/8/2013

Testimony for PSM on Mar 12, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Myron Berney	Natural Cancer Wellness Foundation	Support	Yes.

Dr. Myron Berney

Language Changes—delete Marijuana, Cannabis etc

HB 944

(HSCR829)

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COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Rosalyn H. Baker, Vice Chair

DATE: Tuesday, March 12, 2013

TIME: 2:45 p.m.

PLACE: Conference Room 224

Marijuana is a safe and effective medicine. The side effects of marijuana are easily managed and within the range of standard pharmaceuticals, safer than most. Marijuana, medically and scientifically, is not a dangerous drug that is detrimental to society. The recreational use of Marijuana is also therapeutic for users that enjoy the medicinal effects. The Medical Use of Marijuana is recognized by the Federal VA system kicking Cannabis out of the no medical use requirement of Federal Schedule 1.

On Page 3 DELETE

(1) Tetrahydrocannabinols; meaning tetrahydrocannabinols

4 naturally contained in a plant of the genus Cannabis

5 (cannabis plant) , as well as synthetic equivalents of

6 the substances contained in the plant, or in the

7 resinous extractives of Cannabis, sp. or synthetic

8 substances, derivatives, and their isomers with

9 similar chemical structure and pharmacological

10 activity to those substances contained in the plant,

11 such as the following: Delta 1 cis or trans
12 tetrahydrocannabinol, and their optical isomers; Delta
13 6 cis or trans tetrahydrocannabinol, and their optical
14 isomers; and Delta 3,4 cis or trans
15 tetrahydrocannabinol, and its optical isomers (since
16 nomenclature of these substances is not
17 internationally standardized, compounds of these
18 structures, regardless of numerical designation of
19 atomic positions, are covered)