

SB 1175

Report Title:

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT

Measure Title:

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



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Blvd. 4th Floor
Honolulu, Hawaii 96813

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Administration

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Deputy Director
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No. _____

TESTIMONY ON SENATE BILL 1175
A BILL FOR AN ACT RELATING TO
UNIFORM CONTROLLED SUBSTANCES

By

Ted Sakai, Interim Director
Department of Public Safety

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

Thursday, February 7, 2013, 3:00 PM
State Capitol, Room 224

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

The Department of Public Safety (PSD) supports Senate Bill 1175 which updates Hawaii's Uniform Controlled Substance Act Chapter 329, Hawaii Revised Statutes 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 methylene "3,4-methylenedioxy methcathinone" 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, the Department's Narcotics Enforcement Divisions as well as the Federal Drug Enforcement Administration 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 United States Drug Enforcement Administration (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 / House Bill 2600 HD2 that amended Chapter 329 Hawaii Revised Statutes relating to controlled substances. Act 29 created a new subsection to address synthetic cannabanoids (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 cannabinoids 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 Hawaii Revised Statutes.

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

Senate Bill 1175 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]pryazole) to Schedule III as required by section 329-11(d), HRS.

Senate Bill 1175 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 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.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE JI-TA

February 7, 2013

The Honorable Will Espero, Chair
and Members
Committee on Public Safety, Intergovernmental
and Military Affairs
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Espero and Members:

Subject: Senate Bill No. 1175, Relating to the Uniform Controlled Substances Act

I am Jerry Inouye, Captain of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports Senate Bill No. 1175, Relating to the Uniform Controlled Substances Act.

The proposed amendments will update chapter 329, Hawaii Revised Statutes, with changes made to the Federal Controlled Substances Act by adding certain classes of anabolic steroids to Schedule III. It also adds Tetramethylcyclopropanoylindoles to the list of synthetic cannabinoid class Schedule I hallucinogenic substances. This will address a new class of synthetic cannabinoid here in Hawaii.

The bill uses a general chemical class approach intended to prevent manufacturers from making slight changes to go from scheduled to unscheduled compounds.

In the interest of public health and safety, the Honolulu Police Department strongly urges you to support Senate Bill No. 1175, Relating to the Uniform Controlled Substances Act.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


LOUIS M. KEALOHA
Chief of Police


JERRY INOUE, Captain
Narcotics/Vice Division