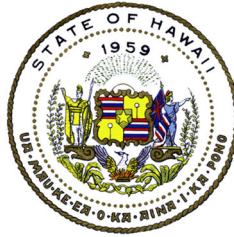


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No. Posted at the Office of
the Lieutenant Governor
on October,
2020

October 15, 2020 (AMENDED 11-09-20)

NOTICE OF FEDERAL SCHEDULING ACTION

Chapter 329-11(d) of the Hawaii Revised Statutes ("HRS") states that if a substance is added, deleted or rescheduled under federal law and notice of the designation is given to the Department of Public Safety, then the Department of Public Safety shall recommend to the legislature that a corresponding change in Hawaii law be made. The Department of Public Safety shall similarly designate the substance as added, deleted, or rescheduled under this chapter, after the expiration of thirty days from publication in the Federal Register of a final order, and this change shall have the effect of law. If a substance is added, deleted, or rescheduled under this subsection, the control shall be temporary and, if the next regular session of the state legislature has not made the corresponding changes in this chapter, the temporary designation of the added, deleted, or rescheduled substance shall be nullified.

On April 17, 2020, The Department of Public Safety was given notice via publication in the Federal Register of a final order¹ that the following substance, were placed into Schedule II by the United States Drug Enforcement Administration ("DEA"):

N-phenyl-N-(piperidin-4-yl)propionamide (norfentanyl)

This federal scheduling action imposes the regulatory controls and the administrative, civil, and criminal sanctions applicable to schedule II controlled substances on persons who handle (manufacture, distribute, dispense, import, export, engage in research, conduct instructional activities with, or possess) or propose to handle the drug products listed in this notice. The DEA placed an effective date of May 18, 2020 on this scheduling action.

¹ The final order was published in volume 85, number 75 of the Federal Register on April 17, 2020.

In accordance with chapter 329-11(d) of the HRS, the Department of Public Safety is temporarily adding the aforementioned drug product listed in this notice into Schedule II in chapter 329-16 (f) of the HRS. This temporary addition imposes the regulatory controls and the administrative, civil, and criminal sanctions applicable to schedule II controlled substances on persons who handle (manufacture, distribute, dispense, import, export, engage in research, conduct instructional activities with, or possess) or propose to handle the aforementioned drug products listed in this notice in the State of Hawaii.

Consequently, chapter 329-16 of the HRS is temporarily amended by adding subsection (b) to read as follows:

(f) Immediate precursor. Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(3) Immediate precursor to Fentanyl:

(A) 4-anilino-N-phenethyl-4-piperidine (ANPP); and

(B) N-phenyl-N-(piperidin-4-yl)propionamide (norfentanyl).

The changes in this notice shall take effect on October 15, 2020, as required under chapter 329-11(d) HRS.