

DEPARTMENT OF PUBLIC SAFETY  
REPORT TO THE 2009 LEGISLATURE

NARCOTICS ENFORCEMENT DIVISION  
FY2008 ANNUAL REPORT

November 2008

# NARCOTICS ENFORCEMENT DIVISION ANNUAL REPORT TO THE LEGISLATURE FY 2008

In accordance with Chapter 329-11, Hawaii Revised Statutes, the Department of Public Safety has the authority to schedule controlled substances. Annually, upon the convening of each regular session of the state legislature, the department of public safety shall report to the legislature additions, deletions, or revisions in the schedules of substances enumerated in sections 329-14, 329-16, 329-18, 329-20, and 329-22, and any other recommendations that it deems necessary. Three months prior to the convening of each regular session, the department of public safety shall post public notice, at the state capitol and in the office of the lieutenant governor for public inspection, of the department's recommendations to the legislature concerning any additions, deletions, or revisions in these schedules; provided that the posting shall not be required if official notice has been received that the substance has been added, deleted, or rescheduled as a controlled substance under federal law.

Under Chapter 329-11(d) HRS states that if a substance is added, deleted, or rescheduled as a controlled substance under federal law and notice of the designation is given to the department of public safety, the department of public safety shall recommend 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.

The Department of Public Safety was notified by means of the Code of Federal Regulations that on November 17, 2000, that there was a clarification made in Federal law for the substance "Dihydroetorphine" that was placed in Schedule II by the Federal government under 65 FR 69442. In accordance with provisions of Chapter 329-11(d) Hawaii Revised Statutes that if a substance is added, deleted, or rescheduled as a controlled substance under federal law and notice of the designation is given to the department of public safety, the Department of Public Safety shall recommend that a corresponding change in Hawaii law be made. The department is therefore recommending that the controlled substance "Dihydroetorphine" be listed under Chapter 329-16 as a Schedule II controlled substance classified as a narcotic.

The Department of Public Safety was notified by means of the Code of Federal Regulations that on September 24, 2007, the substance "Oripavine" that was placed in Schedule II by the Federal government under 72 FR 54208. In accordance with provisions of Chapter 329-11(d) Hawaii Revised Statutes that if a substance is added, deleted, or rescheduled as a controlled substance under federal law and notice of the designation is given to the department of public safety, the Department of Public Safety shall recommend that a corresponding change in Hawaii law be made. The department is therefore recommending

that the controlled substance “Oripavine” be listed under Chapter 329-16 as a Schedule II controlled substance classified as a narcotic.

The Department of Public Safety was notified by means of the Code of Federal Regulations that on June 4, 2007, the substance “Lisdexamfetamine” that was placed in Schedule II by the Federal government under 72 FR 24532. In accordance with provisions of Chapter 329-11(d) Hawaii Revised Statutes that if a substance is added, deleted, or rescheduled as a controlled substance under federal law and notice of the designation is given to the department of public safety, the Department of Public Safety shall recommend that a corresponding change in Hawaii law be made. The department is therefore recommending that the controlled substance “Lisdexamfetamine” be listed under Chapter 329-16 as a Schedule II controlled substance classified as a stimulant.

The Department of Public Safety was notified by means of the Code of Federal Regulations that on July 28, 2005, the substance “Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid]” that was placed in Schedule V by the Federal government under 70 FR 43633. In accordance with provisions of Chapter 329-11(d) Hawaii Revised Statutes that if a substance is added, deleted, or rescheduled as a controlled substance under federal law and notice of the designation is given to the department of public safety, the Department of Public Safety shall recommend that a corresponding change in Hawaii law be made. The department is therefore recommending that the controlled substance “Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid]” be listed under Chapter 329-22 as a Schedule V controlled substance classified as a depressant.

The Department of Public Safety was notified by means of the Code of Federal Regulations that on January 17, 2006 and in April of 2008, that the Deputy Administrator of the Drug Enforcement Administration amended Schedule III 21 CFR part 1308.134(f) Anabolic Steroids by placing the list in 1301.01 definition section. NED will be amending Chapter 329-18(g) “Any Anabolic Steroid” with the addition of the following anabolic steroids to be consistent with amendments made in Federal law:

- “(26) 3[beta], 17-dihydroxy-5a-androstane;
- (27) 3[alpha], 17[beta]-dihydroxy-5a-androstane;
- (28) 5[alpha]-androstane-3, 17-dione;
- (29) 1-androstenediol (3[beta], 17[beta]-dihydroxy-5[alpha]-androst-1-ene);
- (30) 1-androstenediol (3[alpha], 17[beta]-dihydroxy-5[alpha]-androst-1-ene);
- (31) 4-androstenediol (3[beta], 17[beta]-dihydroxy-androst-4-ene);
- (32) 5-androstenediol (3[beta], 17[beta]-dihydroxy-androst-5-ene);
- (33) 1-androstenedione ([5[alpha]]-androst-1-en-3, 17-dione);
- (34) 4-androstenedione (androst-4-en-3, 17-dione);
- (35) 5-androstenedione (androst-5-en-3, 17-dione);
- (36) bolasterone (7[alpha], 17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);
- (37) calusterone (7[beta], 17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);

- (38) [Delta]1-dihydrotestosterone (a.k.a. `1-testosterone') (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
- (39) furazabol (17[alpha]-methyl-17[beta]-hydroxyandrostano[2, 3-c]-furan);
- (40) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one;
- (41) 4-hydroxytestosterone (4, 17[beta]-dihydroxy-androst-4-en-3-one);
- (42) 4-hydroxy-19-nortestosterone (4, 17[beta]-dihydroxy-estr-4-en-3-one);
- (43) mesterolone (1[alpha]methyl-17[beta]-hydroxy-[5[alpha]]-androstan-3-one);
- (44) methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1, 4-dien-3-one);
- (45) methandriol (17[alpha]-methyl-3[beta], 17[beta]-dihydroxyandrost-5-ene);
- (46) methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
- (47) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxy-5a-androstane;
- (48) 17[alpha]-methyl-3[alpha], 17[beta]-dihydroxy-5a-androstane;
- (49) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxyandrost-4-ene;
- (50) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one);
- (51) methyldienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4, 9(10)-dien-3-one);
- (52) methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4, 9-11-trien-3-one);
- (53) 17[alpha]-methyl-[Delta]1-dihydrotestosterone (17[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one) (a.k.a. `17-[alpha]-methyl-1-testosterone');
- (54) 19-nor-4-androstenediol (3[beta], 17[beta]-dihydroxyestr-4-ene);
- (55) 19-nor-4-androstenediol (3[alpha], 17[beta]-dihydroxyestr-4-ene);
- (56) 19-nor-5-androstenediol (3[beta], 17[beta]-dihydroxyestr-5-ene);
- (57) 19-nor-5-androstenediol (3[alpha], 17[beta]-dihydroxyestr-5-ene);
- (58) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- (59) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- (60) norbolethone (13[beta], 17[alpha]-diethyl-17[beta]-hydroxygon-4-en-3-one);
- (61) norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one);
- (62) normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one);
- (63) stenbolone (17[beta]-hydroxy-2-methyl-[5[alpha]]-androst-1-en-3-one);
- (64) tetrahydrogestrinone (13[beta], 17[alpha]-diethyl-17[beta]-hydroxygon-4, 9, 11-trien-3-one); and”

## SUBSTANCES BEING MONITORED BY NED

### Salvia Divinorum and/or Salvinorin A



Presently the Narcotics Enforcement Division's Administrator is monitoring the non-controlled substance Salvia Divinorum and/or Salvinorin for abuse or potential for abuse. Unlike the Federal government Hawaii does not have a controlled substance analogue law to address the use of substances that have similar hallucinogenic properties like that of a Schedule I controlled substance. Under Federal law in 21 USC Sec. 802 the term "Controlled Substance Analogue is defined in 21 USC Sec. 802 (32) to mean:

- (32) (A) Except as provided in subparagraph (C), the term "controlled substance analogue" means a substance -
- (i) the chemical structure of which is substantially similar to the chemical structure of a controlled substance in schedule I or II;
  - (ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or
  - (iii) **with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.**

This definition allows the Federal government to only treat Salvia Divinorum and/or Salvinorin A as a controlled substance analogue if it is used for human consumption as a psychoactive drug.

Under review of this Federal law NED finds that it leaves a loophole for abuse by individuals selling this drug labeled as not for human consumption or for other purposes other than human consumption. The NED Administrator is presently collecting data from all of the State Department of Health, County Police Departments, Military and Federal law enforcement agencies as well as the public for reports of use or abuse of this substance.

As of June 2008, twelve states have enacted legislation placing regulatory controls on Salvia Divinorum and/or Salvinorin A due to its hallucinogenic properties. Delaware, Florida, Illinois, Kansas, Mississippi, Missouri, North Dakota, Oklahoma, and Virginia have placed Salvia Divinorum and/or Salvinorin A into schedule I of state law. Louisiana, Maine and Tennessee enacted other forms of legislation restricting the distribution of the plant.

During last legislative session Alaska, California, Hawaii, Illinois, Iowa, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and South Carolina proposed legislative bills to place regulatory controls on Salvia Divinorum and/or Salvinorin A. During the last legislative session there were two bills that contained

language to place Salvia Divinorum and/or Salvinorin A as a Schedule I controlled substance, however HB 2179 was not scheduled for hearing and SB1487 was amended deleting this drug due to a posting requirement mandated by Chapter 329-11(a) Hawaii Revised Statutes.

Salvia Divinorum and/or Salvinorin A have also been placed under regulatory controls in Australia, Belgium, Denmark, Estonia, Finland, Italy, Japan, Spain, and Sweden due to its potential for abuse.

## **ACT 44 SLH 2004 REQUIREMENTS**

**Chapter 26-14.6 Department of Public Safety.** (m) states that the Department of Public Safety shall coordinate drug abatement efforts of the communities with the State, counties, and community agencies, by:

- (1) Facilitating sharing of resources and information;
- (2) Providing technical support for community mobilization groups;
- (3) Establishing community action plans for drug education, awareness, and prevention;
- (4) Facilitating problem solving in the delivery of law enforcement services by state and local agencies to the community.

The department shall submit an annual report to the legislature twenty days before the convening of each regular session, on the activities of the department relating to this mandate.

## **NED'S ENFORCEMENT PROGRAMS**

Chapter 26-14.6(m) requires the department to coordinate drug abatement efforts of the communities with the State, counties, and community agencies. By (1) facilitate the sharing of resources and information and (4) facilitate problem solving in the delivery of law enforcement services by state and local agencies to the community.

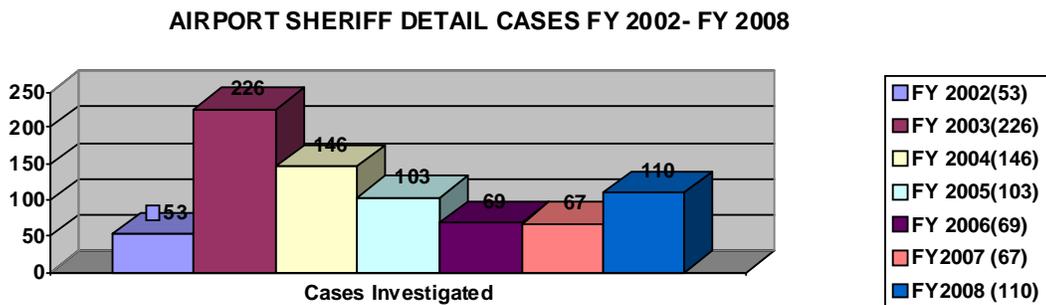
During FY 2008, NED responded to 9 drug complaints from the public and initiated 127 cases where another agency requested assistance from NED. To further accomplish these goals NED has facilitated the sharing of resources and information by working joint criminal investigations through its participation in initiatives with the Hawaii High Intensity Drug Trafficking Area (HIDTA). During FY2008, NED Investigators responded to 891 cases, 574 criminal and 317 regulatory.

**STATE AIRPORTS, DRUG INTERDICTION AND OTHER AREAS:**



During FY2008, NED Investigators responded to 891 cases, 573 criminal and 318 regulatory, compared to FY2007's 827 cases, 476 criminal and 351 regulatory. Increased security at the airport since the September 11, 2001, terrorist incident have resulted in an increase in the number of controlled substance being detected at airport checkpoints and through the mail. During Fiscal Year 2008 NED Investigators investigated 115 controlled substances and drug paraphernalia cases referred by the Airport Sheriff Detail at security checkpoints, 8 cases referrals by the Bureau of Immigration and Customs Enforcement (BICE)/ US Postal Service relating to illegal importation or smuggling of pharmaceutical and illicit controlled substances into Hawaii and 52 by NED's HIDTA Airport / DEA taskforce Investigators for controlled substances or regulated chemicals being smuggled into Hawaii.

**NED AIRPORT SHERIFF DETAIL CASES**



**HIDTA AIRPORT TASKFORCE STATS**

Drugs Seized	Calendar Year 2007	Calendar Year 2008 (through August 2008)

Heroin (grams)	0	0
Cocaine (grams)	7,144.9	7,267.3
Cannabis (grams)	9,913.24	23,256.07
Methamphetamine (grams)	22,538.8	46,733.7
All other dangerous Drugs (Grams or Dosage units)	0	137 dosage units
Arrest	30	30
Asset Seizures (USC)	\$1,863,926.00	\$1,336,065.00

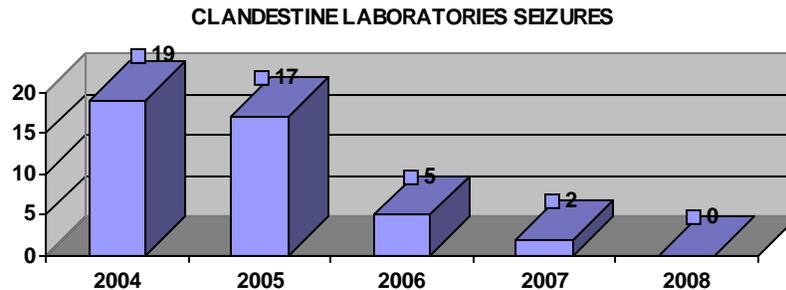
### HIGH INTENSITY DRUG TRAFFICING AREA (CLANDESTINE LABORATORY INITIATIVE)



Keith Kamita, Narcotics Enforcement Division chief, Department of Public Safety (DPS), holds sudaferd and addresses the importance of HB 2410. From left: Anthony Williams, U.S. Drug Enforcement Administration assistant special agent in charge; Dutchie Hanohano, U.S. Marshall; Jim Propotnik, acting DPS director; and Lt. Governor James R. "Duke" Alton, Jr.

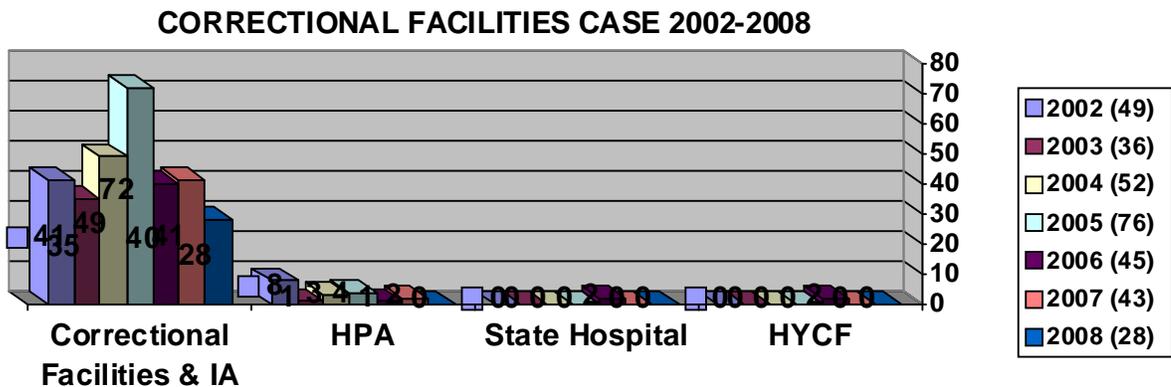


During calendar year 2008 NED did see a decrease in the amount of clandestine laboratories found statewide during this period from 5 reported in calendar year 2006 to only 2 in calendar year 2007 and 0 in calendar year 2008. NED feels that this decrease can be attributed to increased enforcement activities, regulations on the key precursor chemical pseudoephedrine as well as increased education of retailers and the public on over the counter chemicals utilized to manufacture methamphetamine.



## CORRECTIONAL FACILITIES

During FY 2008 NED Investigators responded to 27 criminal and 0 regulatory cases originating from PSD Correctional facilities, 1 from the Hawaii Paroling Authority, 1 from the Hawaii Youth Correctional Facility, 1 from Internal Affairs Office and 0 cases from State operated Hospitals.



## PHARMACEUTICAL CONTROLLED SUBSTANCE DIVERSION CASES

### Pharmaceutical Controlled Substance Diversion Cases

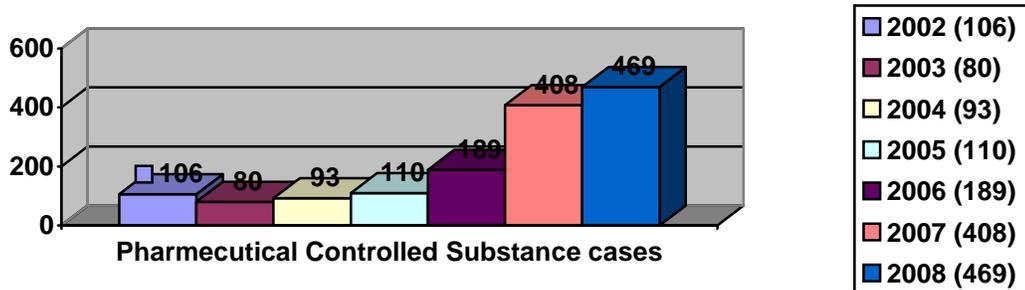


During FY 2008 NED saw a substantial increase in pharmaceutical controlled substance diversion cases. In FY 2008, NED investigators conducted 296 criminal pharmaceutical controlled substance investigations, 119-forged controlled substance prescription cases, 6 multi-doctor cases, 0 Internet cases, 8 promoting cases involving pharmaceutical controlled substances, 2 cases resulting forfeiture, 110 cases where a physician or law enforcement agency is checking on a patient due to suspicion of diversion of pharmaceutical controlled substances, 15 Physician cases, 0 Nurse cases, 35 theft/loss from medical facility cases and 12 classified as other. During FY 2008 NED prioritized its emphasis on criminal cases involving pharmaceutical controlled substances and proposed legislation to better address problem issues with Hawaii's controlled substance laws.

NED has a few advantages over many of the other states across the nation:

- 1) Hawaii is a dual registration state requiring that all practitioners must obtain a State Controlled Substance registration as well as a Federal DEA registration.
- 2) Hawaii does not allow out-of state controlled substance prescriptions to be filled in the State.
- 3) All controlled substance prescriptions must originate from within the State. (Practitioner must physically be in the State when issuing the prescription)
- 4) Hawaii has an Electronic Prescription Monitoring Program for all Schedule II through V controlled substances.
- 5) NED has a Pharmacy Alert System connected to all of Hawaii's pharmacies.
- 6) NED's Administrator has emergency scheduling powers for controlled substances and regulated chemicals.
- 7) Hawaii has an investigative Division (NED) that specializes in pharmaceutical and chemical diversion cases.
- 8) As of 7-1-08, Act 186 gave NED the ability to assess monetary fines for violations of Hawaii's Uniform Controlled Substance Act, Chapter 329 HRS.

### NED PHARMACEUTICAL CONTROLLED SUBSTANCE CASES 2002-2008



### NED'S PREVENTION PROGRAMS



In accordance with Chapter 26-14.6(m)(2) (3) and (4) the Department of Public Safety's Narcotics Enforcement Division during FY 2009, NED took a leadership role in

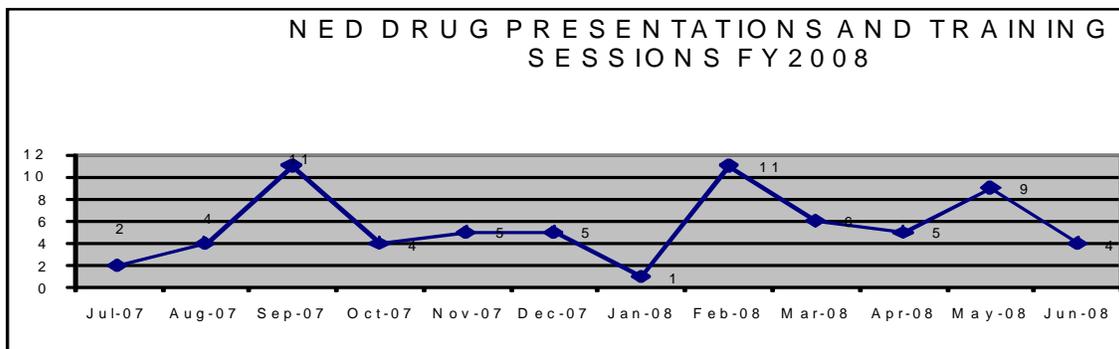
informing the community of Hawaii's methamphetamine problem within the division's budgetary constraints.

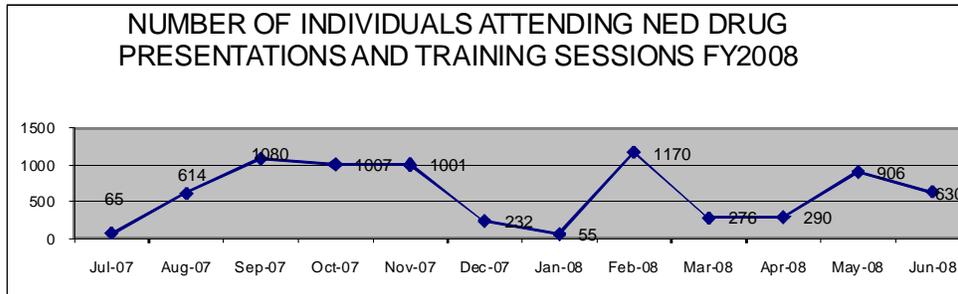
**DRUG EDUCATION AND TRAINING PROGRAMS**

NED continues to inform the community of Hawaii's crystal methamphetamine and pharmaceutical drug problem. The presentations covered Hawaii's drug trends, drug identification, clandestine laboratories, and the chemicals utilized in the illegal manufacture of controlled substances and the physical and psychological effects as well as the damage that drugs can do to the human body. In FY 2008, NED conducted 77 educational drug and clandestine laboratory presentations on the island of Hawaii, Maui, Kauai and Oahu, which were attended by 7,326 people from law enforcement, education, businesses, medical community and the public.

In an attempt to assist the Department of Education in implementing its new drug and alcohol testing program, NED partnered with the DOE Office of Human Resources and put on three hour blocks of instruction relating the physical and psychological damage caused by the illegal use of drug.

FISCAL YEAR	TRAINING SESSIONS	# OF INDIVIDUALS TRAINED
2008	77	7326
2007	77	7436
2006	59	3867
2005	72	4904
2004	97	9140
2003	45	2485
2002	49	1025





**NED’S COPS Grant “Kauai Drug Contamination Study”**



On August 23, 2006, the Narcotics Enforcement Division was notified that it had been awarded \$75,000.00 from the U.S. Department of Justice, Office of Justice, Office of Community Orientated Policing (COPS) Grant through the sub-grantee the Hawaii Community Foundation to educate the public, businesses and government agencies on the island of Kauai on the dangers associated with clandestine drug laboratories used to manufacture methamphetamine or its precursor chemicals, the contamination left behind by these illegal laboratories, and heavy drug use. This Grant will also allow NED to set up a program to test contamination levels in select target locations (hotels and public areas) throughout the duration of the grant utilizing the Dual Ion Mobility Spectrometry (IMS) identification technology (Ionscan 500DT), a forensic testing equipment.

The Narcotics Enforcement Division’s proposal is to educate businesses (hotel and other businesses), government and the public on the dangers associated with clandestine drug laboratories used to manufacture methamphetamine or its precursor chemicals and the contamination left behind by these illegal laboratories as well as heavy drug use. NED is proposing educational sessions geared toward businesses such as hotels and other rental businesses where individuals may utilize these locations to manufacture or use drugs. These training sessions will inform the participants of the different chemicals and drugs being utilized here in Hawaii to manufacture drugs, the dangers associated with exposure to these chemicals and drugs as well as a program to test contamination levels in select target locations (hotels and public areas) throughout the duration of the grant utilizing

forensic testing equipment utilizing Dual Ion Mobility Spectrometry (IMS) identification technology (Ionscan 500DT).

The program will conduct a pre test at different (hotel and public / government businesses) locations on the island of Kauai then conduct training sessions for the employees to educate them on how to identify suspicious activity associated with individuals attempting to utilize their facilities to clandestinely manufacture drugs or precursor chemicals or the danger signs of contamination due to heavy drug use in these locations.

NED's drug and chemical contamination testing grant ended on June 30, 2008 with the following results:

- 62 Drug education sessions to include training on drug and chemical contamination and best practices on cleaning contaminated areas.
- 4474 Individuals attending training
- 59 Inspections to pharmacies completed
- 58 inspections to retail and wholesale stores selling List 1 and List 2 chemicals
- 790 Drug and Contamination scans completed
- 91 Confirmed positive swabs for drug, chemical and explosives found.

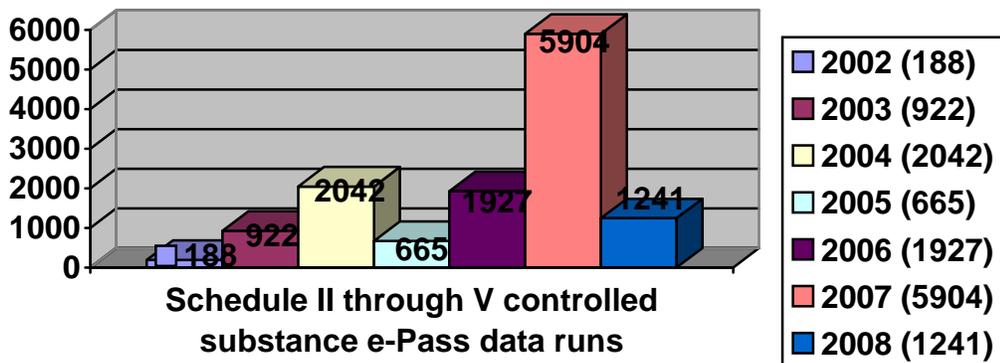
### **ELECTRONIC PRESCRIPTION MONITORING PROGRAM**

NED's Electronic Prescription Monitoring Program (e-PASS) and NED's Pharmacy Alert System continues to identify and chart specific prescribing trends of Hawaii Physicians as well as identifies multi-doctor patients attempting to obtain controlled substance prescriptions. In FY 2008 NED's Investigator assigned to the Electronic Prescription Monitoring Program processed and analyzed 1,195,321 data transmissions (information required on each prescription) into the system that is presently monitoring the data from 7,978,209 schedules II through V controlled substance prescriptions. During FY 2008 NED Investigators made 1,234 queries into the system and sent out 59 prescription data reports to other law enforcement agencies conducting criminal drug cases and 151 reports to physicians relating to their patients controlled substance use.

During FY 2007 NED was able to take over the function of the "Central Repository" of all controlled substance schedule II through V prescription data and establish an Internet base webpage that has the capability of allowing pharmacies to electronically transmit data to NED. By having the capability to process all schedule II through V controlled substance prescriptions within NED has saved the Division over \$50,000.00 in annual vendor fees.

On August 15, 2007, NED was notified that had received a \$400,000.00 grant from the Department of Justice FY 2008 Prescription Drug Monitoring (Harold Rodgers) Program to continue the enhancements to the State’s electronic prescription monitoring program, which is maintained within the Department’s Narcotics Enforcement Division (NED). This grant will focus on processing all prescription data electronically sent to NED in house. This Grant will afford NED the ability to hire a Clerk III to assist the PMP Investigator with the inputting and analysis of all Schedule II through V controlled substances prescriptions filled by all pharmacies registered in the State of Hawaii. This grant runs from May 1, 2008 through April 30, 2010.

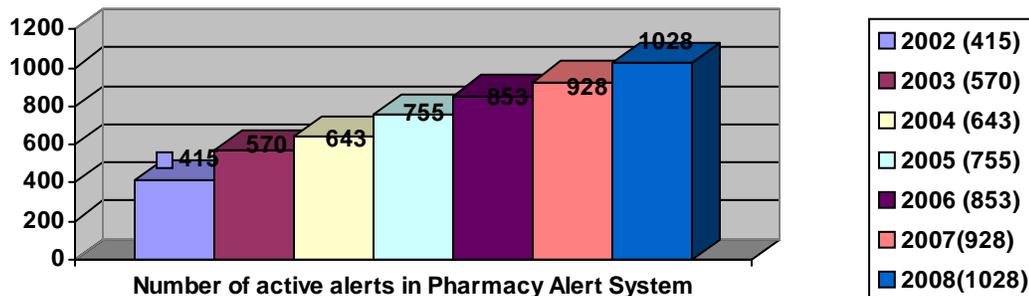
### **NED's Electronic Prescription Monitoring Program ( e-Pass) investigative data inquiries 2002-2008**



### **NED’S PHARMACY ALERT SYSTEM**

NED’s Pharmacy Alert System was designed to link all of Hawaii’s pharmacies electronically to the Division. NED is able to issue warning bulletins to all of Hawaii’s 316 pharmacies registered to dispense controlled substances. This program allows NED to warn pharmacies of individuals suspected of pharmaceutical diversion and to update these pharmacies with information on new laws and amendments to Hawaii’s Uniform Controlled substance Act. NED’s Pharmacy Alert System continues to identify and chart specific prescribing trends of Hawaii Physicians as well as identifies multi-doctor patients attempting to obtain controlled substance prescriptions. During FY2008, NED issued 63 pharmacy alerts and is presently monitoring 1028 alert bulletins on this system.

### NED's Pharmacy Alert System 2002-2008



### NEW PSEUDOEPHEDRINE TRACKING PROGRAM

In accordance with Act 184 signed into law by Governor Linda Lingle on 6-17-08, the Narcotics Enforcement Division is mandated to develop and implement by January 1, 2010, an electronic tracking program for all pharmacies and retailers selling products, mixtures, or preparations containing pseudoephedrine. Act 184 mandates that this electronic log be transmitted to the Narcotics Enforcement Division on monthly bases where the information will be retained for a period of two years. The electronic log shall be capable of being checked for compliance against all State and Federal laws, including interfacing with other states to ensure comprehensive compliance. This new program will require additional personnel and funding, however NED has secured three grants from the U.S. Department of Justice, Office of Justice, Office of Community Orientated Policing (COPS) Grant through the sub-grantee the Hawaii Community Foundation that include funding for the purchase of the computer equipment and software for this program.

NED will be requesting one full-time, general funded Program Specialist V position and two office assistant III positions to implement this new program. These positions are necessary due to the fact that this program will have to regulate and track every retail distributor that could possibly sell a product that contains pseudoephedrine. The Narcotics Enforcement Division has been approached by the U.S. Department of Justice, Office of Justice, Office of Community Orientated Policing (COPS) Grant through the sub-grantee the Hawaii Community Foundation to accept two grants totaling \$325,850.00 for the islands of Hawaii and Oahu. Budgeted in both of these grants are funds to purchase two computer servers and software to be utilized to store data collected by NED's new Pseudoephedrine tracking program.

### REGISTRATION

During FY 2008, NED's Registration staff handled 29,254 administrative transactions relating to the registration individuals administering, prescribing or dispensing of controlled substances, dispensing, sale or purchase of regulated chemicals and transactions for the registration of patients in the Medical Use of Marijuana Program, with only 23 reported processing errors and 0 complaints relating to the registration process. However, on June 27, 2008 NED's Medical Use of Marijuana Program did have

an accidental release of information that was immediately secured and the situation contained. This incident did generate a number of calls and media attention that was addressed by the Deputy Director for Law Enforcement and by the NED Administrator.

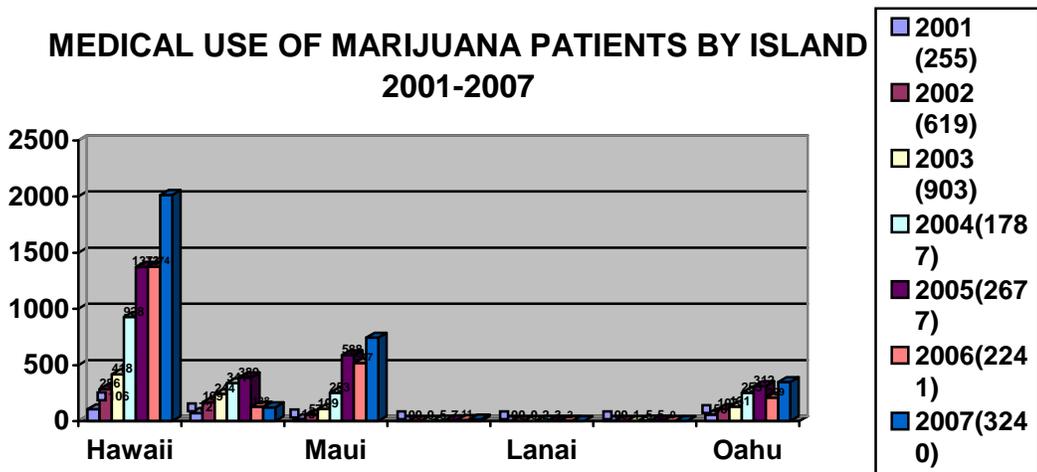
During this time period the Registration Staff issued 5327 controlled substance registrations, 14 regulated chemical permits 4287 patient registry identification certificates for the medical use of marijuana and assigned 323 new oral call numbers to physicians, physician assistants or advance practice registered nurses after **within the five day NED imposed processing time limit**. The Registration Staff issued 0 controlled substance registrations, 0 regulated chemical permits, 0 patient registry identification certificates for the medical use of marijuana and assigned 0 new oral call numbers to physicians, physician assistants or advance practice registered nurse after **the sixty day State imposed processing time limit**. **Most of these registrations that took longer than 5 days were completed within 14 days and mailed out**. The Division set a high goal for itself by implementing the five-day without error processing deadline. A 97.97% clearance rate within NED’s self imposed processing time limit and a 100% clearance rate within the State imposed 60 day processing time limit. During FY 2008 NED processed 9910 controlled substance, oral code, regulated chemical and medical marijuana certificates with only 42 processing errors an error free clearance rate of 99.57%.

The Narcotics Enforcement Division’s Registration Section has decreased the time required to process a controlled substance, regulated chemical or medical marijuana registry certificate to within five days. State Administrative rules require that the processing of these certificates be done within 60 days.

During Fiscal Year 2008, the registration section responded to 4961 controlled substance registration verification calls, 0 Regulated chemical verification calls, 169 Oral Code verification calls and 252 Medical Use of Marijuana verification calls. During Fiscal Year 2008, the registration section responded to 1435 controlled substance registration question calls, 3 Regulated chemical question calls and 471 Medical Use of Marijuana questions with 0 complaints.

As of the end of FY 2008, the following is the statistical break-down by island of the patients registered under this program to utilize marijuana for medical purposes:

<b>ISLAND</b>	<b># Patients</b>	<b># Caregiver</b>	<b>Physician on island</b>	<b>Physician off island</b>
Hawaii	2640	260	21	16
Kauai	158	12	8	13
Lanai	4	0	0	1
Maui	840	67	19	8
Molokai	23	3	0	3
Niihau	1	0	0	1
Oahu	534	56	28	7
<b>TOTAL:</b>	<b>4200</b>	<b>398</b>	<b>76</b>	<b>49</b>



**FY 2008 List of Debilitating Medical Conditions in which Medical  
Use of Marijuana Certificates are issued:**

Cachex / Wasting Syndrome	11
Chron's Disease	0
Glaucoma	22
HIV or AIDS	58
Malignant Neoplasm (Cancer)	49
Multiple conditions listed	1037
Persistent Muscle Spasms	57
Seizures	24
Severe Nausea	52
Severe Pain	2942
Severe pain, severe nausea	0

**Top Ten Physicians Issuing Medical Use of Marijuana Registry Certificates**

1. JB (Maui) 1786 patients on Hawaii, 5 on Kauai, 6 on Maui, 1 in Molokai and 50 on Oahu
2. RM (Hawaii) 4 patients on Hawaii, 2 on Kauai, 3 on Lanai, 386 on Maui, 4 on Molokai, 1 on Niihau and 1 on Oahu
3. YC (Hawaii) 380 patients on Hawaii, 2 on Maui, 7 on Oahu
4. RL (Maui ) 5 patients on Hawaii, 1 on Kauai, 1 on Lanai, 293 on Maui, 13 on Molokai and 3 on Oahu
5. AJ (Oahu) 2 Patient on Hawaii, 6 patient on Kauai, 1 on Maui, 247 on Oahu
6. RD (Hawaii) 177 on Hawaii, 1 on Oahu
7. RA (Oahu) 45 patients on Hawaii, 87 on Kauai, 3 on Maui and 32 on Oahu
8. GG (Oahu) 3 patient on Hawaii, 5 on Kauai, 3 on Maui, 6 on Molokai and 120 on Oahu

9. TO (Oahu) 65 patients on Hawaii, 5 on Kauai and 31 on Oahu
10. JH (Hawaii) 48 patients on Hawaii

During FY 2008 there was a concern voiced by law enforcement and the public relating to some physicians participating in Hawaii's Medical Use of Marijuana Program not examining or having a bona fide doctor patient relationship with their patients. On June 15, 2008, Governor Linda Lingle signed Act 186 into law that amended Chapter 329 HRS by adding a new definition for the term "Physician-patient relationship" and penalties for non compliance to this section.