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No. Posted at the Office of  
the Lieutenant Governor  
on December 21,  
2017

**November 28, 2017**

## **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 November 22, 2017, The Department of Public Safety was given notice via publication in the Federal Register of a final order<sup>1</sup> that the following hallucinogenic substance was placed into Schedule II by the United States Drug Enforcement Administration ("DEA"):

1. Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration.

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 hallucinogenic substances listed in this notice. The DEA placed an effective date of November 22, 2017 on this scheduling action.

<sup>1</sup> The final order was published in volume 82, number 224 of the Federal Register on November 22, 2017.

In accordance with chapter 329-11(d) of the HRS, the Department of Public Safety is temporarily adding the hallucinogenic substance listed in this notice into schedule II in chapter 329-16 (g) 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 hallucinogenic substances listed in this notice in the State of Hawaii. As noted by the DEA in its interim final rule, dated March 23, 2017, and further emphasized here by the Department of Public Safety, "...any form of dronabinol other than in an FDA-approved drug product remains a schedule I controlled substance, and those who handle such material remain subject to the regulatory controls, and administrative, civil, and criminal sanctions, applicable to schedule I controlled substances set forth in the CSA and DEA regulations..."<sup>2</sup>, as well as the applicable statutes and rules of the State of Hawaii.

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

(g) Hallucinogenic substances, unless listed in another schedule, shall include:

(1) Nabilone; and

(2) Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration.

The changes in this notice shall take effect on January 22, 2018, as required under chapter 329-11(d) HRS.

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<sup>2</sup> As noted in the DEA's Interim Final Rule published in the Federal Register, Volume 82, Number 55 on March 23, 2017.