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# A BILL FOR AN ACT

RELATING TO PRESCRIPTIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Chapter 329, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§329- Prescription information; confidentiality;  
5 penalty. Records relative to prescription information  
6 containing identifiable patient and prescriber data shall not be  
7 transferred or sold by any pharmacy benefits manager, insurance  
8 company, electronic transmission intermediary, or retail, mail  
9 order, or Internet pharmacy for any commercial purpose. In  
10 addition to other appropriate remedies under this chapter, a  
11 violation of this section is an unfair or deceptive act or  
12 practice within the meaning of section 480-2. Any right or  
13 remedy set forth in section 480-13 may be used to enforce the  
14 provisions of this section."

15 SECTION 2. Section 461-13, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "§461-13 Prescription [~~record~~] records; confidentiality.

18 (a) Records relative to prescription information containing



1 identifiable patient and prescriber data shall not be  
2 transferred or sold by any pharmacy benefits manager, insurance  
3 company, electronic transmission intermediary, or retail, mail  
4 order, or Internet pharmacy for any commercial purpose. In  
5 addition to other appropriate remedies under this chapter, a  
6 violation of this section is an unfair or deceptive act or  
7 practice within the meaning of section 480-2. Any right or  
8 remedy set forth in section 480-13 may be used to enforce the  
9 provisions of this subsection.

10 (b) A pharmacy shall keep prescription records of each  
11 prescription compounded or dispensed at the pharmacy for a  
12 period of not less than five years. The prescription records  
13 shall at all times be open to inspection by the board of  
14 pharmacy and other law enforcement officers."

15 SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Prescriptions; Confidentiality of Contents

**Description:**

Prohibits the sale or transfer of patient prescription information by certain businesses as an unfair and deceptive act in the conduct of trade or commerce (HB1873 HD1).

