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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 individually identifiable patient health information,  
7 maintained in electronic form or in any other form or medium,  
8 shall not be sold or otherwise transferred for consideration by  
9 any pharmacy benefits manager, insurance company, or retail,  
10 mail order, or Internet pharmacy. In addition to other  
11 appropriate remedies under this chapter, a violation of this  
12 section is an unfair or deceptive act or practice within the  
13 meaning of section 480-2. Any right or remedy set forth in  
14 section 480-13 may be used to enforce this section."

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



1           "§461-13 Prescription [~~record.~~] records; confidentiality.

2           (a) Records relative to prescription information containing  
3           individually identifiable patient health information, maintained  
4           in electronic form or in any other form or medium, shall not be  
5           sold or otherwise transferred for consideration by any pharmacy  
6           benefits manager, insurance company, or retail, mail order, or  
7           Internet pharmacy. In addition to other appropriate remedies  
8           under this chapter, a violation of this section is an unfair or  
9           deceptive act or practice within the meaning of section 480-2.  
10          Any right or remedy set forth in section 480-13 may be used to  
11          enforce this section.

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

17          SECTION 3. Statutory material to be repealed is bracketed  
18          and stricken. New statutory material is underscored.

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



HB 1873

HD 2

**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 HD2)

HB1873 HD2 HMS 2006-2454

