
A BILL FOR AN ACT

RELATING TO PRESCRIPTIONS.

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

1 SECTION 1. The purpose of this Act is to prohibit data-
2 mining of patients' data.

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

6 "§329- Prescription information; confidentiality;
7 penalty. Records relative to prescription information
8 containing identifiable patient data, including the name of the
9 prescribing health care provider, shall not transferred or sold
10 by any pharmacy benefits manager, insurance company, electronic
11 transmission intermediary, retail, mail order, or internet
12 pharmacy for any commercial purpose, except for the limited
13 purpose of reimbursing the pharmacy by the patient's insurance
14 provider or the provider's agent. Commercial purpose includes,
15 but is not limited to, advertising, marketing, promotion, or any
16 other purpose that could be used to influence sales of market
17 share of a pharmaceutical product, influence or evaluate the
18 prescribing behavior of an individual health care professional,



1 or evaluate the effectiveness of a professional detailing sales
2 force. In addition to other appropriate remedies under this
3 chapter, a violation of this section is an unfair or deceptive
4 act or practice within the meaning of section 480-2. Any right
5 or remedy set forth in section 480-13 may be used to enforce
6 this section."

7 SECTION 3. Section 461-13, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§461-13 Prescription [~~record.~~] records; confidentiality.**

10 (a) Records relative to prescription information containing
11 identifiable patient data shall not be transferred or sold by
12 any pharmacy benefits manager, insurance company, electronic
13 transmission intermediary, retail, mail order, or internet
14 pharmacy for any commercial purpose, except for the limited
15 purpose of reimbursing the pharmacy by the patient's insurance
16 provider or the provider's agent. Commercial purpose includes,
17 but is not limited to, advertising, marketing, promotion or any
18 other purpose that could be used to influence or evaluate the
19 prescribing behavior of an individual health care professional,
20 or evaluate the effectiveness of a professional detailing sales
21 force. Commercial purposes shall not include bona fide research
22 and development. In addition to other appropriate remedies



1 under this chapter, a violation of this section is an unfair or
2 deceptive act or practice within the meaning of section 480-2.
3 Any right or remedy set forth in section 480-13 may be used to
4 enforce the provisions of this section.

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

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on July 1, 2050.



HB1873, SD1

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. (SD1)

