

Honolulu, Hawaii

March 3, 2006

RE: H.B. No. 1873  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1873, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PRESCRIPTIONS,"

begs leave to report as follows:

The purpose of this bill is to protect the confidentiality of patient prescription information by making transfer or sale of this information by pharmacy benefits managers, insurance companies, electronic transmission intermediaries, or retail, mail order, or Internet pharmacies, punishable as an unfair or deceptive act or practice.

The Policy Advisory Board for Elder Affairs, Hawaii Alliance for Retired Americans, and ILWU Local 142 supported this bill. The Department of Public Safety supported the intent of this measure. IMS Health and Pharmaceutical Research and Manufacturers of America opposed this bill. The Board of Pharmacy and Hawaii Medical Service Association offered comments.

Your Committee has amended this bill by:

- (1) Specifying that the provisions apply to individually identifiable patient health information maintained in electronic form or in any other form or medium;



- (2) Clarifying that the patient health information shall not be sold or otherwise transferred for consideration by any pharmacy benefits manager, insurance company, or retail, mail order, or Internet pharmacy; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1873, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1873, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
for SYLVIA LUKE, Chair



