

Honolulu, Hawaii

MAR 24 2006

RE: H.B. No. 1873
H.D. 2
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Housing and Health, to which was referred H.B. No. 1873, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PRESCRIPTIONS,"

beg leave to report as follows:

The purpose of this measure is to prohibit the sale or transfer of patient prescription information by pharmacy benefits managers, insurance companies, and retail, mail order, and internet pharmacies.

Testimony in support of this measure was submitted by the Department of Public Safety, IMS Health, Hawaii Alliance for Retired Americans, the Policy Advisory Board for Elder Affairs, and the National Legislative Association on Prescription Drug Prices. Testimony in opposition to this motion was submitted by Pharmaceutical Research and Manufacturers of America. Comments were submitted by the Board of Pharmacy and the Hawaii Medical Service Association.

Your Committees find that, in the interest of privacy, consumers need greater state protections and controls over the sale and transfer of their prescription information. Your Committees further find that this measure seeks to enact protections from the practice of data-mining of patients' prescription information.

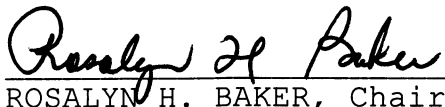


Upon further consideration, your Committees have amended this measure by:


- (1) Specifying that the purpose of this measure is to prohibit data-mining of patients' data;
- (2) Including the names of prescribing health care providers as part of identifiable patient data;
- (3) Prohibiting the transfer or sale of identifiable patient data for commercial purpose;
- (4) Defining commercial purpose to include, but not be limited to, advertising, marketing, promotion or any other purpose that could be used to influence sales of pharmaceutical products, influence the prescribing behavior of health care professionals, or evaluate the effectiveness of a professional detailing sales force;
- (5) Excluding from commercial purpose the reimbursement of a pharmacy by the patient's insurance provider or the provider's agent; and
- (6) Excluding from commercial purpose bona fide research and development.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Housing and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1873, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1873, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committees on Commerce,
Consumer Protection, and
Housing and Health,



ROSALYN H. BAKER, Chair




RON MENOR, Chair



The Senate
Twenty-Third Legislature
State of Hawaii

Record of Votes of the
Committee on Health
(Bills and Resolutions)

Measure:* HB 1873 HD2	Committee Referral: CPH/HTH, JHW	Date: 3/23/06		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <input type="checkbox"/> Pass, unamended (2312) <input checked="" type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
BAKER, Rosalyn H. (C)	✓			
CHUN OAKLAND, Suzanne (VC)	✓			
HANABUSA, Colleen				✓
TSUTSUI, Shan S.	✓			
WHALEN, Paul				✓
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Do not list more than one measure per Record of Votes.