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# A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 SECTION 1. Section 329-1, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By adding the definition of "mail order pharmacy" to  
4 read:

5 "Mail order pharmacy" means an out-of-state pharmacy or  
6 entity engaged in the practice of pharmacy which has obtained a  
7 permit pursuant to section 461-15, Hawaii Revised Statutes, to  
8 distribute, ship, mail or deliver prescription drugs or devices  
9 into the State."

10 2. By amending the definition of "identification number"  
11 to read:

12 "Identification number" means, with respect to a patient:

13 (1) The patient's unique valid driver's license number or  
14 state identification card number, followed by the  
15 abbreviation of the state issuing the driver's license  
16 or state identification card, or the patient's  
17 military identification number[+], or, with respect to



1           a mail order pharmacy, "identification number" means a  
2           unique patient identifier assigned to the individual  
3           by the payor, insurer, or pharmacy benefit manager;

4           (2) If the patient is a foreign patient, the patient's  
5           passport number;

6           (3) If the patient does not have a valid driver's license,  
7           state identification card, or military identification,  
8           the patient's social security number;

9           (4) If the patient is less than eighteen years of age and  
10           has none of the identification referred to in  
11           paragraph (1), (2), or (3), the unique number on the  
12           valid driver's license, state identification card,  
13           military identification, or passport of the patient's  
14           parent or guardian; or

15           (5) If the controlled substance is obtained for an animal,  
16           the unique number of the animal's owner as described  
17           in paragraph (1), (2), or (3)."

18           SECTION 2. Section 329-41, Hawaii Revised Statutes, is  
19           amended by amending subsection (a) to read as follows:

20           "(a) It is unlawful for any person:

21           (1) Who is subject to part III to distribute, administer,  
22           prescribe, or dispense a controlled substance in



1 violation of section 329-38; however, a licensed  
2 manufacturer or wholesaler may sell or dispense a  
3 controlled substance to a master of a transpacific  
4 ship or a person in charge of a transpacific aircraft  
5 upon which no physician is regularly employed, for the  
6 actual medical needs of persons on board [~~such~~] the  
7 ship or aircraft when not in port; provided schedule I  
8 or II controlled substances shall be sold to the  
9 master of [~~such~~] the ship or person in charge of  
10 [~~such~~] the aircraft only in accordance with the  
11 provisions set forth in 21 Code of Federal  
12 Regulations, Sections 1301, 1305, and 1307, adopted  
13 pursuant to Title 21, United States Code, Section 821;

14 (2) Who is a registrant to manufacture a controlled  
15 substance not authorized by the registrant's  
16 registration or to distribute or dispense a controlled  
17 substance not authorized by the registrant's  
18 registration to another registrant or another  
19 authorized person;

20 (3) To refuse or fail to make available, keep, or furnish  
21 any record, notification, order form, prescription,  
22 statement, invoice, or information in patient charts



1 relating to the administration, dispensing, or  
2 prescribing of controlled substances;

3 (4) To refuse any lawful entry into any premises for any  
4 inspection authorized by this chapter;

5 (5) Knowingly to keep or maintain any store, shop,  
6 warehouse, dwelling, building, vehicle, boat,  
7 aircraft, or other structure or place for the purpose  
8 of using these substances or which is used for keeping  
9 or selling them in violation of this chapter or  
10 chapter 712, part IV; or

11 (6) Who is a practitioner or pharmacist to dispense a  
12 controlled substance to any individual not known to  
13 the practitioner or pharmacist, without first  
14 obtaining proper identification and documenting, by  
15 signature on a log book kept by the practitioner or  
16 pharmacist, the identity of and the type of  
17 identification presented by the individual obtaining  
18 the controlled substance. For purposes of this  
19 section, a patient properly enrolled in a mail order  
20 prescription drug plan is "known to" the mail order  
21 pharmacist. If the individual does not have any form  
22 of proper identification, the pharmacist shall verify



1           the validity of the prescription and identity of the  
2           patient with the prescriber, or their authorized  
3           agent, before dispensing the controlled substance.  
4           For the purpose of this section, "proper  
5           identification" means government-issued identification  
6           containing the photograph, printed name, and signature  
7           of the individual obtaining the controlled substance."

8           SECTION 3. This Act does not affect rights and duties that  
9           matured, penalties that were incurred, and proceedings that were  
10          begun, before its effective date.

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

13          SECTION 5. This Act shall take effect on January 1, 2050.



S.B. NO. 2882  
S.D. 1  
H.D. 1

**Report Title:**

Mail Service Pharmacies; ID for Dispensing Controlled Substances

**Description:**

Authorizes the use of a payor provided identification number in mail-order prescriptions. Effective 01/01/2050. (SB2882 HD1)

SB2882 HD1 HMS 2008-3354

