

JAN 22 2008

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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 by amending the definition of "identification number" to  
3 read as follows:

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

- 5 (1) The patient's unique valid driver's license number or  
6 state identification card number, followed by the  
7 abbreviation of the state issuing the driver's license  
8 or state identification card, [~~or~~] the patient's  
9 military identification number[+], or a unique patient  
10 identifier assigned to the individual by the payor or  
11 pharmacy benefit manager;
- 12 (2) If the patient is a foreign patient, the patient's  
13 passport number;
- 14 (3) If the patient does not have a valid driver's license,  
15 state identification card, or military identification,  
16 the patient's social security number;



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

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

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

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

13          (1) Who is subject to part III to distribute, administer,  
14          prescribe, or dispense a controlled substance in  
15          violation of section 329-38; however, a licensed  
16          manufacturer or wholesaler may sell or dispense a  
17          controlled substance to a master of a transpacific  
18          ship or a person in charge of a transpacific aircraft  
19          upon which no physician is regularly employed, for the  
20          actual medical needs of persons on board [~~such~~] the  
21          ship or aircraft when not in port; provided schedule I  
22          or II controlled substances shall be sold to the



1 master of [~~such~~] the ship or person in charge of  
2 [~~such~~] the aircraft only in accordance with the  
3 provisions set forth in 21 Code of Federal  
4 Regulations, Sections 1301, 1305, and 1307, adopted  
5 pursuant to Title 21, United States Code, Section 821;

6 (2) Who is a registrant to manufacture a controlled  
7 substance not authorized by the registrant's  
8 registration or to distribute or dispense a controlled  
9 substance not authorized by the registrant's  
10 registration to another registrant or another  
11 authorized person;

12 (3) To refuse or fail to make available, keep, or furnish  
13 any record, notification, order form, prescription,  
14 statement, invoice, or information in patient charts  
15 relating to the administration, dispensing, or  
16 prescribing of controlled substances;

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

19 (5) Knowingly to keep or maintain any store, shop,  
20 warehouse, dwelling, building, vehicle, boat,  
21 aircraft, or other structure or place for the purpose  
22 of using these substances or which is used for keeping



1           or selling them in violation of this chapter or  
2           chapter 712, part IV; or  
3           (6) Who is a practitioner or pharmacist to dispense a  
4           controlled substance to any individual not known to the  
5           practitioner or pharmacist, without first obtaining proper  
6           identification and documenting, by signature on a log book kept  
7           by the practitioner or pharmacist, the identity of and the type  
8           of identification presented by the individual obtaining the  
9           controlled substance. If the individual does not have any form  
10          of proper identification, the pharmacist shall verify the  
11          validity of the prescription and identity of the patient with  
12          the prescriber, or their authorized agent, before dispensing the  
13          controlled substance. For the purpose of this section, "proper  
14          identification" means government-issued identification  
15          containing the photograph, printed name, and signature of the  
16          individual obtaining the controlled substance[+] or a unique  
17          patient identifier assigned to the individual by the payor or  
18          pharmacy benefit manager."

19          SECTION 3. This Act does not affect rights and duties that  
20          matured, penalties that were incurred, and proceedings that were  
21          begun, before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Resaly H Parker

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Amil Y Lye



**Report Title:**

Mail Service Pharmacies; ID For Dispensing Controlled Substances

**Description:**

Authorizes the use of a payor provided identification number in mail-order prescriptions.

