

JAN 19 2007

A BILL FOR AN ACT

RELATING TO PRESCRIPTIONS.

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

1 SECTION 1. Chapter 328, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 **"§328- Prescription information; confidentiality;**
5 **penalty.** Records relative to prescription information
6 containing individually identifiable patient health information,
7 maintained in electronic form or in any other form or medium,
8 shall not be sold or otherwise transferred for consideration by
9 any pharmacy benefits manager, insurance company, or retail,
10 mail order, or internet pharmacy. In addition to other
11 appropriate remedies under this chapter, a violation of this
12 section is an unfair or deceptive act or practice within the
13 meaning of section 480-2. Any right or remedy set forth in
14 section 480-13 may be used to enforce this section."

15 SECTION 2. Section 461-13, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§461-13 Prescription [~~record.~~] records; confidentiality.**

18 (a) Records relative to prescription information containing



1 individually identifiable patient health information, maintained
 2 in electronic form or in any other form or medium, shall not be
 3 sold or otherwise transferred for consideration by any pharmacy
 4 benefits manager, insurance company, or retail, mail order, or
 5 internet pharmacy. In addition to other appropriate remedies
 6 under this chapter, a violation of this section is an unfair or
 7 deceptive act or practice within the meaning of section 480-2.
 8 Any right or remedy set forth in section 480-13 may be used to
 9 enforce this section.

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

15 SECTION 3. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.
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Report Title:

Prescription Drugs; 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.

