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## A BILL FOR AN ACT

RELATING TO BOARD OF PHARMACY.

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

1           SECTION 1. Section 461-4.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) In addition to any other powers and duties authorized  
4 by law, the board:

5           (1) Shall adopt, amend, and repeal rules pursuant to  
6 chapter 91, as it deems proper for the purposes of  
7 this chapter, Public Law 100-293, and 21 Code of  
8 Federal Regulations part 205;

9           (2) Shall examine, license, reinstate, and renew the  
10 licenses of qualified applicants for registered  
11 pharmacists and wholesale prescription drug  
12 distributors, and issue and renew permits to operate  
13 pharmacies;

14           (3) May require the inspection of any wholesale  
15 prescription drug distributor premises in the State to  
16 ensure compliance with this chapter and rules adopted  
17 under this chapter, or may require an applicant for a  
18 pharmacy license to submit a statement that the



1 premises, including but not limited to security and  
2 sanitation, are in conformance with the board's  
3 requirements and that the applicant possesses the  
4 reference materials and technical clinical equipment  
5 and supplies as may be specified in rules adopted  
6 under this chapter; [~~and~~]

7 (4) May fine, suspend, or revoke any license or permit for  
8 any cause prescribed by this chapter, or for any  
9 violation of the rules adopted under this chapter, and  
10 refuse to grant or renew any license or permit for any  
11 cause which would be ground for revocation or  
12 suspension of a license or permit~~[-]~~; and

13 (5) Shall conduct an unannounced on-site inspection of  
14 each pharmacy operating under a permit under section  
15 461-14 at least once during the period the permit is  
16 in effect to ensure compliance with this chapter and  
17 the rules adopted thereunder."

18 SECTION 2. Section 461-14, Hawaii Revised Statutes, is  
19 amended by amending subsection (c) to read as follows:

20 "(c) On evidence satisfactory to the board, a permit or  
21 notification shall be issued; provided that:



- 1 (1) The pharmacy for which the permit or notification is  
2 sought is or will be in full compliance with this  
3 chapter and rules of the board;
- 4 (2) The location and appointments of the pharmacy are such  
5 that it can be operated and maintained without  
6 endangering the public health or safety; [~~and~~]
- 7 (3) The pharmacy will be under the personal and immediate  
8 supervision of a registered pharmacist[~~-~~]; and
- 9 (4) The pharmacy shall allow unannounced on-site  
10 inspections by the board pursuant to section 461-  
11 4.5(a)(5)."

12 SECTION 3. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Cindy Evans

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JAN 23 2009



**Report Title:**

Pharmacy; Unannounced Inspections

**Description:**

Requires the board of pharmacy to conduct unannounced site inspections of pharmacies at least once during the period that a pharmacy permit is in force. Makes acceptance of on-site inspections a condition of receiving a permit to operate a pharmacy.

