

Honolulu, Hawaii

April 1, 2010

RE: S.B. No. 2770
S.D. 1
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 2770, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO REMOTE DISPENSING PHARMACY,"

begs leave to report as follows:

The purpose of this bill is to enhance the ability of remote dispensing pharmacies (RDP) to serve residents by expanding the types of drugs that may be remotely dispensed.

The Board of Pharmacy, Kaiser Permanente Hawaii, and Hawaii Pacific Health testified in support of this bill with amendments.

Act 96, Session Laws of Hawaii (SLH) 2009, amended the remote dispensing pharmacy law to improve access to RDPs in underserved or remote areas and health maintenance organization facilities. However, implementation of this law has been problematic because only drugs acquired under the federal 340B program, available only to people who do not have insurance, may be remotely dispensed. By removing this restriction on the types of drugs that may be remotely dispensed, this bill seeks to improve the availability of medication for patients regardless of whether they have insurance.



Your Committee has amended this bill by:

- (1) Restoring in the statutory definition of RDP, the provision allowing the use of RDPs in institutional facilities other than a federally qualified health center;
- (2) Making permanent the definitions of "institutional facility" and "unit of use container" in the Pharmacists and Pharmacy Law;
- (3) Making this bill effective upon its approval, except that the provisions that make the definitions of "institutional facility" and "unit of use container" permanent are to take effect on June 30, 2010, to preclude their repeal on July 1, 2010, pursuant to Act 190, SLH 2004; and
- (4) Making technical, nonsubstantive amendments for clarity and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2770, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2770, S.D. 1, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ROBERT N. HERKES, Chair



