
A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 SECTION 1. The legislature finds that there is an
2 increased chance of misdirected prescriptions when prescriptions
3 are mail ordered, which places Hawaii residents at risk for
4 reduced service, difficulty for reimbursement, and decreased
5 access to professional advice.

6 The purpose of this Act is to increase regulation of
7 controlled substances by repealing the exemption that allows
8 mail order pharmacies to ship narcotics and other controlled
9 substances into the State.

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 or rules authorized under
16 section 329-31; however, a licensed manufacturer or
17 wholesaler may sell or dispense a controlled substance
18 to a master of a transpacific ship or a person in



1 charge of a transpacific aircraft upon which no
2 physician is regularly employed, for the actual
3 medical needs of persons on board such ship or
4 aircraft when not in port; provided schedule I or II
5 controlled substances shall be sold to the master of
6 such ship or person in charge of such aircraft only in
7 accordance with the provisions set forth in 21 Code of
8 Federal Regulations, sections 1301, 1305, and 1307,
9 adopted pursuant to Title 21, United States Code,
10 section 821;

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

17 (3) To refuse or fail to make available, keep, or furnish
18 any record, notification, order form, prescription,
19 statement, invoice, or information in patient charts
20 relating to the administration, dispensing, or
21 prescribing of controlled substances;



- 1 (4) To refuse any lawful entry into any premises for any
2 inspection authorized by this chapter;
- 3 (5) Knowingly to keep or maintain any store, shop,
4 warehouse, dwelling, building, vehicle, boat,
5 aircraft, or other structure or place for the purpose
6 of using these substances or which is used for keeping
7 or selling them in violation of this chapter or
8 chapter 712, part IV;
- 9 (6) Who is a practitioner or pharmacist to dispense a
10 controlled substance directly to any individual not
11 known to the practitioner or pharmacist [~~, except under~~
12 ~~the following circumstances:~~
- 13 ~~(A) When dispensing a controlled substance directly~~
14 ~~to an individual, the practitioner or pharmacist~~
15 shall] without first [~~obtain~~] obtaining and
16 [~~document,~~] documenting, in a log book or an
17 electronic database, the full name,
18 identification number, identification type, and
19 signature, whether by actual signature or by
20 electronic signature capture device, of the
21 individual obtaining the controlled substance.
22 If the individual does not have any form of



1 proper identification, the pharmacist shall
2 verify the validity of the prescription and
3 identity of the patient with the prescriber, or
4 their authorized agent, before dispensing the
5 controlled substance[; and

6 ~~(B) For mail order prescriptions, the practitioner or~~
7 ~~pharmacist shall not be subject to subparagraph~~
8 ~~(A); provided that all other requirements of~~
9 ~~chapter 329 shall apply and that the practitioner~~
10 ~~or pharmacist, as part of the initial~~
11 ~~registration process of an individual in a mail~~
12 ~~order prescription drug plan and prior to the~~
13 ~~controlled substance being dispensed, shall~~
14 ~~obtain all identification information, including~~
15 ~~the full name, identification number,~~
16 ~~identification type, signature, and a photocopy~~
17 ~~of a form of proper identification of the~~
18 ~~individual obtaining the controlled substance.~~
19 ~~The practitioner or pharmacist shall also comply~~
20 ~~with other requirements set forth by rule].~~

21 For the purpose of this section, "proper
22 identification" means government-issued identification



1 containing the photograph, printed name,
 2 identification number, and signature of the individual
 3 obtaining the controlled substance;

4 (7) Who is a practitioner to predate or pre-sign
 5 prescriptions to facilitate the obtaining or attempted
 6 obtaining of controlled substances; or

7 (8) Who is a practitioner to facilitate the issuance or
 8 distribution of a written prescription or to issue an
 9 oral prescription for a controlled substance when not
 10 physically in the State."

11 SECTION 3. This Act does not affect rights and duties that
 12 matured, penalties that were incurred, and proceedings that were
 13 begun before its effective date.

14 SECTION 4. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2013.

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INTRODUCED BY:

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John M. ...
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H.B. NO. 64

Report Title:

Controlled Substances; Pharmacist; Mail Order Prescriptions

Description:

Repeals mail order pharmacy exemption from controlled substances act.

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