
A BILL FOR AN ACT

RELATING TO REMOTE DISPENSING.

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

1 SECTION 1. Section 461-10.5, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (c) to read:

4 "(c) No remote dispensing pharmacy shall operate within a
5 five-mile radius of any pharmacy as defined under section 461-1;
6 provided that:

7 (1) This subsection shall not apply to any remote
8 dispensing pharmacy established prior to July 3, 2008
9 that has previously dispensed and will continue to
10 dispense only prescription medications acquired
11 pursuant to section 340B of the Public Health Service
12 Act, Title 42 United States Code section 256b;

13 (2) If an appropriately designated pharmacy, as defined in
14 section 461-1, is established within a five-mile
15 radius of an existing remote dispensing pharmacy
16 exempted by this subsection, all appropriate measures
17 shall be taken to encourage the relocation of the



1 existing remote dispensing machine within the newly
2 established pharmacy; [~~and~~]

3 (3) This subsection shall not apply to any remote
4 dispensing pharmacy established in a facility operated
5 by a health maintenance organization regulated
6 pursuant to chapter 432D for the exclusive use of
7 patients served at the facility[~~-~~]; and

8 (4) Beginning on the effective date of Act _____, Session
9 Laws of Hawaii 2013, no new remote dispensing pharmacy
10 shall operate within a ten-mile radius of any pharmacy
11 as defined under section 461-1; provided that this
12 paragraph shall not apply to any remote dispensing
13 pharmacy in operation prior to the effective date of
14 Act _____, Session Laws of Hawaii 2013."

15 2. By amending subsection (o) to read:

16 "(o) This section shall not apply to:

17 (1) Mobile medical clinics, provided that no such clinic
18 shall operate in counties with a population less than
19 one hundred thousand persons; or

20 (2) Federally qualified health centers[~~-~~]; provided that
21 [~~no~~]:



1 (A) No remote dispensing pharmacy shall operate
2 within a five-mile radius of any pharmacy as
3 defined under section 461-1, except for those
4 federally qualified health centers that are
5 exempt under subsection (c) (1) [-]; and

6 (B) Beginning on the effective date of Act _____,
7 Session Laws of Hawaii 2013, no new remote
8 dispensing pharmacy shall operate within a ten-
9 mile radius of any pharmacy as defined in section
10 461-1, except for those federally qualified
11 health centers that are exempt under section
12 461- (c) (2); provided that this subparagraph
13 shall not apply to any remote dispensing pharmacy
14 in operation prior to the effective date of Act
15 _____, Session Laws of Hawaii 2013.

16 As used in this subsection, "mobile medical clinic" means a
17 motor vehicle retrofitted for exclusive use as a medical office
18 or clinic for medical services licensed under chapter 321."

19 SECTION 2. Act 212, Session Laws of Hawaii 2008, as
20 amended by Acts 11 and 96, Session Laws of Hawaii 2009, is
21 amended by amending section 7 to read as follows:

1 "SECTION 7. This Act shall take effect upon its approval
2 and shall be repealed on January [~~2, 2014.~~] 1, 2016."

3 SECTION 3. In printing this Act, the revisor of statutes
4 shall insert in section 1 of this Act the corresponding act
5 number of this Act.

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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

9



Report Title:

Pharmacies; Remote Dispensing Pharmacies

Description:

Prohibits new remote dispensing pharmacies from operating within ten miles of any pharmacy, excepting those remote dispensing pharmacies in operation prior to the effective date of this measure. Extends the repeal date of Act 212, Session Laws of Hawaii 2008, to January 1, 2016. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

