

JAN 24 2013

A BILL FOR AN ACT

RELATING TO IDENTIFICATION.

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

1 SECTION 1. Chapter 481B, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§481B- Acceptable forms of identification for purchases
5 and returns; notifications. (a) Any merchant who requires a
6 form of identification for purchases or returns shall accept the
7 following forms of identification:

- 8 (1) State-issued driver's license;
9 (2) State-issued civil identification cards;
10 (3) Government-issued picture identification cards; or
11 (4) Passport.

12 (b) All merchants shall post conspicuous signs bearing
13 their identification policies and the list of acceptable forms
14 of identification pursuant to subsection (a)."

15 SECTION 2. Section 329-41, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) It is unlawful for any person:



- 1 (1) Who is subject to part III to distribute, administer,
2 prescribe, or dispense a controlled substance in
3 violation of section 329-38 or rules authorized under
4 section 329-31; however, a licensed manufacturer or
5 wholesaler may sell or dispense a controlled substance
6 to a master of a transpacific ship or a person in
7 charge of a transpacific aircraft upon which no
8 physician is regularly employed, for the actual
9 medical needs of persons on board such ship or
10 aircraft when not in port; provided schedule I or II
11 controlled substances shall be sold to the master of
12 such ship or person in charge of such aircraft only in
13 accordance with the provisions set forth in 21 Code of
14 Federal Regulations, sections 1301, 1305, and 1307,
15 adopted pursuant to Title 21, United States Code,
16 section 821;
- 17 (2) Who is a registrant to manufacture a controlled
18 substance not authorized by the registrant's
19 registration or to distribute or dispense a controlled
20 substance not authorized by the registrant's
21 registration to another registrant or another
22 authorized person;



- 1 (3) To refuse or fail to make available, keep, or furnish
2 any record, notification, order form, prescription,
3 statement, invoice, or information in patient charts
4 relating to the administration, dispensing, or
5 prescribing of controlled substances;
- 6 (4) To refuse any lawful entry into any premises for any
7 inspection authorized by this chapter;
- 8 (5) Knowingly to keep or maintain any store, shop,
9 warehouse, dwelling, building, vehicle, boat,
10 aircraft, or other structure or place for the purpose
11 of using these substances or which is used for keeping
12 or selling them in violation of this chapter or
13 chapter 712, part IV;
- 14 (6) Who is a practitioner or pharmacist to dispense a
15 controlled substance to any individual not known to
16 the practitioner or pharmacist, except under the
17 following circumstances:
 - 18 (A) When dispensing a controlled substance directly
19 to an individual, the practitioner or pharmacist
20 shall first obtain and document, in a log book or
21 an electronic database, the full name,
22 identification number, identification type, and



1 signature, whether by actual signature or by
2 electronic signature capture device, of the
3 individual obtaining the controlled substance.

4 If the individual does not have any form of
5 proper identification, the pharmacist shall
6 verify the validity of the prescription and
7 identity of the patient with the prescriber, or
8 their authorized agent, before dispensing the
9 controlled substance; and

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



1 The practitioner or pharmacist shall also comply
2 with other requirements set forth by rule.

3 For the purpose of this section, "proper
4 identification" means government-issued identification
5 containing the photograph, printed name,
6 identification number, and signature of the individual
7 obtaining the controlled substance[+] or government-
8 issued work identification containing the photograph
9 and printed name of the individual obtaining the
10 controlled substance;

11 (7) Who is a practitioner to predate or pre-sign
12 prescriptions to facilitate the obtaining or attempted
13 obtaining of controlled substances; or

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

18 SECTION 2. Section 481B-5.5, Hawaii Revised Statutes, is
19 amended by amending subsection (b) to read as follows:

20 "(b) Except as provided in this section, all merchants
21 shall accept the return of goods for refund, merchandise credit,



1 or exchange, giving purchasers rights that are no less than
2 those provided in this section. The merchant may:

3 (1) Choose one of the following policies by posting a
4 conspicuous sign notifying purchasers of any one of
5 the following limitations:

- 6 (A) Refunds only;
- 7 (B) Refunds or merchandise credit only;
- 8 (C) Exchanges or merchandise credit only; or
- 9 (D) No refunds, merchandise credits, or exchanges;
- 10 and

11 (2) Place specific limitations on the policy adopted by
12 posting a conspicuous sign notifying the purchasers of
13 any limitations allowed by subsections (c), (d), (e),
14 and (f) [-]; provided that any merchant who requires
15 some form of identification for returns shall comply
16 with section 481B- ."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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


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INTRODUCED BY:

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S.B. NO. 1321

Report Title:

Identification; Merchants; Policy; Controlled Substances

Description:

Establishes acceptable forms of identification for merchants if required for purchases or returns. Requires merchants to post their identification policies, if any, and list acceptable forms of identification. Adds government-issued work identification to "proper identification" requirement when a practitioner or pharmacist dispenses a controlled substance to any individual not known to the practitioner or pharmacist.

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