
A BILL FOR AN ACT

RELATING TO PRESCRIPTIONS.

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

1 SECTION 1. Abuse of prescription narcotic drugs poses
2 immense health risks, as well as serious health and social
3 challenges nationally and globally. Proliferation of narcotic
4 drugs in secondary markets is also of grave concern.

5 Physicians and pharmacists both bear significant
6 responsibility in the prescription and dispensing of
7 pharmaceuticals. Pharmacists are trained and licensed to ensure
8 appropriate access to pharmaceuticals. Physicians have a
9 medical and ethical responsibility to their patients to offer
10 the best available medical care. Both physicians and
11 pharmacists must comply with strict medical and professional
12 standards in prescribing and dispensing drugs.

13 The purpose of this Act is to prevent addiction to
14 narcotics both in the prescription and secondary markets by
15 placing restrictions on the prescription and dispensing of these
16 drugs.

17 SECTION 2. Section 329-38, Hawaii Revised Statutes, is
18 amended by amending subsection (f) to read as follows:



1 "(f) The effectiveness of a prescription for the purposes
2 of this section shall be determined as follows:

3 (1) A prescription for a controlled substance shall be
4 issued for a legitimate medical purpose by an
5 individual practitioner acting in the usual course of
6 the practitioner's professional practice. The
7 responsibility for the proper prescribing and
8 dispensing of controlled substances shall be upon the
9 prescribing practitioner, but a corresponding
10 responsibility shall rest with the pharmacist who
11 fills the prescription. An order purporting to be a
12 prescription issued not in the usual course of
13 professional treatment or for legitimate and
14 authorized research shall not be deemed a prescription
15 within the meaning and intent of this section, and the
16 person who knowingly fills such a purported
17 prescription, as well as the person who issues the
18 prescription, shall be subject to the penalties
19 provided for violations of this chapter;

20 (2) A prescription may not be issued to allow an
21 individual practitioner to obtain controlled



1 substances for supplying the individual practitioner
2 for the purpose of general dispensing to patients;

3 (3) A prescription may not be issued for the dispensing of
4 narcotic drugs listed in any schedule for the purpose
5 of "detoxification treatment" or "maintenance
6 treatment" except as follows:

7 (A) The administering or dispensing directly (but not
8 prescribing) of narcotic drugs listed in any
9 schedule to a narcotic drug-dependent person for
10 "detoxification treatment" or "maintenance
11 treatment" shall be deemed to be "in the course
12 of a practitioner's professional practice or
13 research" so long as the practitioner is
14 registered separately with the department and the
15 federal Drug Enforcement Agency as required by
16 section 329-32(e) and complies with Title 21 Code
17 of Federal Regulations section 823(g) and any
18 other federal or state regulatory standards
19 relating to treatment qualification, security,
20 records, and unsupervised use of drugs; and

21 (B) Nothing in this section shall prohibit a
22 physician or authorized hospital staff from



1 administering or dispensing, but not prescribing,
2 narcotic drugs in a hospital to maintain or
3 detoxify a person as an incidental adjunct to
4 medical or surgical treatment of conditions other
5 than addiction;

6 (4) An individual practitioner shall not prescribe or
7 dispense a substance included in schedule II, III, IV,
8 or V for that individual practitioner's personal use,
9 except in a medical emergency; ~~and~~

10 (5) A pharmacist shall not dispense a substance included
11 in schedule II, III, IV, or V for the pharmacist's
12 personal use~~[-]~~; and

13 (6) A prescription shall not be issued for the dispensing
14 of narcotic drugs listed in any schedule for the
15 purpose of pain management except as follows:

16 (A) For acute pain, a practitioner shall not issue a
17 prescription for narcotic drugs listed in any
18 schedule in quantities greater than a seven-day
19 supply and any refill shall be permitted only
20 after the pharmacist has consulted with the
21 practitioner on the continued use of the drug and
22 other prescription alternatives; and



1 (B) For chronic pain, a practitioner shall not issue
 2 a prescription for narcotic drugs listed in any
 3 schedule in quantities greater than a thirty-day
 4 supply and any refill shall be permitted only
 5 after the patient has obtained a blood or urine
 6 test, as appropriate, to verify that the drug
 7 dispensed has been used by the patient as
 8 prescribed.

9 Before filling a prescription for any narcotic drug,
 10 the pharmacist shall consult with the patient on the
 11 side effects of sustained use of the drug and its
 12 addiction potential. The pharmacist may assess a fee
 13 to the patient or the patient's insurance company for
 14 the consultation. This paragraph shall not apply to
 15 hospice patients."

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

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

19 INTRODUCED BY:

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H.B. NO. 2144

Report Title:

Prescription Medicine; Pharmacist; Physician

Description:

Limits the number of days of supply of narcotic drugs that a physician may prescribe for pain management. Requires a blood or urine test and consultation with a pharmacist for refills of narcotic drugs in certain circumstances. Excludes hospice patients from these limitations.

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