
A BILL FOR AN ACT

RELATING TO PHARMACY.

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

1 SECTION 1. The legislature finds that out-of-state
2 pharmacists not licensed in the State may be unaware of Hawaii's
3 prescription drug laws when dispensing drugs, including
4 violating section 328-92, Hawaii Revised Statutes, by
5 substituting equivalent generic drugs despite the practitioner
6 indicating "brand medically necessary" or similar words. This
7 disregard for Hawaii law places the safety of Hawaii residents
8 at risk.

9 The purpose of this Act is to require that out-of state
10 pharmacies filling prescriptions to Hawaii residents employ a
11 pharmacist licensed by the State to ensure that pharmacies have
12 knowledge of Hawaii's prescription drug laws necessary to
13 protect the safety of Hawaii residents.

14 SECTION 2. Section 461-15, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) It shall be unlawful:

17 (1) For any person to sell or offer for sale at public
18 auction, or to sell or offer for sale at private sale



1 in a place where public auctions are conducted, any
2 prescription drugs without first obtaining a permit
3 from the board of pharmacy to do so;

4 (2) For any person to distribute or dispense samples of
5 any prescription drugs without first obtaining a
6 permit from the board to do so; provided that nothing
7 in this paragraph shall interfere with the furnishing
8 of samples or drugs directly to physicians, druggists,
9 dentists, veterinarians, and optometrists for use in
10 their professional practice;

11 (3) For wholesalers to sell, distribute, or dispense any
12 prescription drug, except to a pharmacist, physician,
13 dentist, veterinarian, or optometrist who is allowed
14 to use pharmaceutical agents under chapter 459 or to a
15 generally recognized industrial, agricultural,
16 manufacturing, or scientific user of drugs for
17 professional or business purposes; provided that it
18 shall be unlawful for wholesalers to sell, distribute,
19 or dispense any prescription pharmaceutical agent that
20 is not approved by the board of examiners in
21 optometry;



- 1 (4) For any wholesale prescription drug distributor to
2 sell or distribute medical oxygen except to a:
3 (A) Licensed practitioner with prescriptive
4 authority;
5 (B) Pharmacist;
6 (C) Medical oxygen distributor;
7 (D) Patient or a patient's agent pursuant to a
8 prescription; or
9 (E) Emergency medical services for administration by
10 trained personnel for oxygen deficiency and
11 resuscitation;
- 12 (5) For any medical oxygen distributor to supply medical
13 oxygen pursuant to a prescription order, to a patient
14 or a patient's agent, without first obtaining a permit
15 from the board to do so;
- 16 (6) For any person, as principal or agent, to conduct or
17 engage in the business of preparing, manufacturing,
18 compounding, packing, or repacking any drug without
19 first obtaining a permit from the board to do so; and
- 20 (7) For any out-of-state pharmacy or entity engaging in
21 the practice of pharmacy, in any manner to distribute,
22 ship, mail, or deliver prescription drugs or devices



1 into the State without first obtaining a permit from
2 the board; provided that the applicant shall:

3 (A) Provide the location, names, and titles of all
4 principal corporate officers;

5 (B) Attest that the applicant or any personnel of the
6 applicant has not been found in violation of any
7 state or federal drug laws, including the illegal
8 use of drugs or improper distribution of drugs;

9 (C) Submit verification of a valid unexpired license,
10 permit, or registration in good standing to
11 conduct the pharmacy in compliance with the laws
12 of the home state and agree to maintain in good
13 standing the license, permit, or registration;
14 and

15 (D) Have in its employ a [~~registered~~] pharmacist
16 [~~whose registration is current and in good~~
17 ~~standing-~~] licensed under this chapter."

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

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1 SECTION 4. This Act shall take effect upon its approval;
2 provided that section 2 shall apply to all applications for a
3 permit submitted after December 31, 2013.

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INTRODUCED BY:

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JAN 16 2013



H.B. NO. 61

Report Title:

Pharmacists; Pharmacy; License; Out-Of-State; Mail Order; Permit

Description:

Requires an out-of-state pharmacy delivering drugs into the State to have in its employ a pharmacist licensed under chapter 461, HRS.

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