

JAN 22 2016

A BILL FOR AN ACT

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

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

1 SECTION 1. Chapter 329, Hawaii Revised Statutes, is
2 amended by adding a new section to part VIII to be appropriately
3 designated and to read as follows:

4 "§329- Definitions. As used in this part, unless the
5 context otherwise requires:

6 "Chronic opioid therapy" means at least three months of
7 continuous treatment for chronic pain with opioid drugs.

8 "Pharmacist delegate" means a pharmacy employee who is
9 selected by a pharmacist to act as the pharmacist's agent and is
10 delegated with the task of accessing the electronic prescription
11 accountability system. The pharmacist shall take full
12 responsibility for any action taken by the pharmacist delegate
13 in its role as the pharmacist delegate.

14 "Practitioner" means a physician, dentist, advanced
15 practice registered nurse with prescriptive authority, or
16 physician assistant.



1 "Practitioner delegate" means an agent or employee of a
2 practitioner who is delegated with the task of accessing the
3 electronic prescription accountability system. The practitioner
4 shall take full responsibility for any action taken by the
5 practitioner delegate in its role as the practitioner delegate."

6 SECTION 2. Section 329-101, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) The designated state agency shall determine those
9 schedules of controlled substances, classes of controlled
10 substances, and specific controlled substances that are
11 purportedly being misused and abused in the State. Beginning
12 January 1, 2017, all practitioners administering, prescribing,
13 or dispensing a controlled substance in schedules II through IV,
14 shall register with the electronic prescription accountability
15 system as part of the renewal process for controlled substance
16 registration. No identified controlled substances may be
17 dispensed unless information relevant to the dispensation of the
18 substance is reported electronically or by means indicated by
19 the designated state agency to the central repository
20 established under section 329-102, in accordance with rules
21 adopted by the department."



1 SECTION 3. Section 329-104, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) This section shall not prevent the disclosure, at the
4 discretion of the administrator, of investigative information
5 to:

6 (1) Law enforcement officers, investigative agents of
7 federal, state, or county law enforcement or
8 regulatory agencies, United States attorneys, county
9 prosecuting attorneys, or the attorney general;
10 provided that the administrator has reasonable grounds
11 to believe that the disclosure of any information
12 collected under this part is in furtherance of an
13 ongoing criminal or regulatory investigation or
14 prosecution;

15 (2) Registrants authorized under chapters 448, 453, and
16 463E who are registered to administer, prescribe, or
17 dispense controlled substances[?] and practitioner
18 delegates; provided that the information disclosed
19 relates only to the registrant's own patient;

20 (3) Pharmacists[?] or pharmacist delegates, employed by a
21 pharmacy registered under section 329-32, who request



- 1 prescription information about a customer relating to
2 a violation or possible violation of this chapter;
3 ~~[or]~~
- 4 (4) Other state-authorized governmental prescription-
5 monitoring programs [-];
- 6 (5) The chief medical examiner or a licensed physician
7 designated by the chief medical examiner who certifies
8 the request is for the purpose of investigating the
9 death of a person;
- 10 (6) Qualified personnel for the purpose of legitimate
11 research or education; provided that any data that
12 reasonably identifies a specific recipient,
13 prescriber, or dispenser shall be deleted from the
14 information prior to disclosure; provided further that
15 release of the information shall be made pursuant to a
16 written agreement between qualified personnel and the
17 administrator to ensure compliance with this
18 subsection; and
- 19 (7) Other entities or individuals authorized by the
20 administrator to assist the program with projects that



S.B. NO. 2461

1 enhance the electronic prescription accountability
 2 system.

3 Information disclosed to a registrant, pharmacist, or authorized
 4 government agency under this section shall be transmitted by a
 5 secure means determined by the designated agency."

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.

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INTRODUCED BY: John Green
 Therese Ann Oakland

Will Egan
Hanna Thiel
Mark
Rosey de Baker
Anna Mercadok



S.B. NO. 2461

Report Title:

Uniform Controlled Substances Act; Electronic Prescription
Accountability System

Description:

Beginning January 1, 2017, requires practitioners who administer, prescribe, or dispense a controlled substance under schedules II through IV to register with the electronic prescription accountability system as part of the renewal process for controlled substance registration. Expands access to investigative information in the electronic prescription accountability system to certain individuals and for certain purposes.

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

