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# A BILL FOR AN ACT

RELATING TO PRESCRIPTION DRUGS.

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

1       SECTION 1. The legislature finds that prescribers of  
2       controlled substances, including doctors, dentists, surgeons,  
3       and podiatrists, are required to register with the state  
4       electronic prescription accountability system and are required  
5       to report information relevant to the dispensation of any  
6       controlled substance before any controlled substance may be  
7       dispensed. Prescribers are also permitted to view prescription  
8       data of their own patients. However, prescribers are currently  
9       not required to consult the state electronic prescription  
10      accountability system before prescribing a controlled substance.

11      The legislature further finds that drug overdose rates have  
12      increased catastrophically in Hawaii, increasing by eighty-three  
13      per cent from 2006 to 2014. Thirty-five per cent of all drug  
14      overdose deaths between 2010 and 2014 were caused by  
15      prescription opioids alone.

16      The purpose of this Act is to reduce the access of the  
17      public to potentially addictive substances by requiring



1 prescribers to consult the state electronic prescription  
2 accountability system before issuing a prescription for certain  
3 controlled substances.

4 SECTION 2. Chapter 329, Hawaii Revised Statutes, is  
5 amended by adding a new section to part III to be appropriately  
6 designated and to read as follows:

7 "§329- Prescriptions; additional restrictions. (a) The  
8 prescription restrictions in this section shall apply in  
9 addition to the restrictions described in section 329-38.

10 (b) No prescriber shall prescribe a schedule II, III, or  
11 IV controlled substance without first requesting, receiving, and  
12 considering records of the ultimate user from the state  
13 electronic prescription accountability system as needed to  
14 reduce the risk of abuse of or addiction to a controlled  
15 substance, as needed to avoid harmful drug interactions, or as  
16 otherwise medically necessary; provided that this subsection  
17 shall not apply to:

18 (1) Any prescription a duration of three days or less that  
19 is made in an emergency situation, by an emergency  
20 medical provider, or in an emergency room; and



1       (2) Any prescription written while the state electronic  
2           prescription accountability system is nonfunctional.

3       (c) The administrator of the state electronic prescription  
4       accountability system shall promptly disclose only the requested  
5       data to the requesting prescriber. Disclosure as required under  
6       this section is permissible under the duty of confidentiality  
7       imposed by section 329-104. To the extent that this section  
8       conflicts with other state confidentiality and disclosure laws,  
9       this section shall prevail.

10       (d) A violation of this section shall not be subject to  
11       the penalty provisions of part IV of chapter 329; provided that  
12       a violation of this section may result in disciplinary action  
13       under section 453-8 or 457-12."

14       SECTION 3. New statutory material is underscored.

15       SECTION 4. This Act shall take effect on July 1, 2050, and  
16       shall be repealed on June 30, 2023.



**Report Title:**

Electronic Prescription Accountability System; Prescription  
Drugs

**Description:**

Requires prescribers of certain controlled substances to consult the electronic prescription accountability system before issuing a prescription for the controlled substance. Provides exemptions for certain circumstances. Provides that a violation by a prescriber shall not be subject to criminal penalty provisions but that a violation may be grounds for professional discipline pursuant to section 453-8 or 457-12, Hawaii Revised Statutes. Repeals on 6/30/2023. (SD1)

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

