

S.B. NO. 1263

JAN 24 2019

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

3 "(i) Prescriptions for controlled substances shall be
4 issued only as follows:

5 (1) All prescriptions for controlled substances shall
6 originate from within the State and be dated as of,
7 and signed on, the day when the prescriptions were
8 issued and shall contain:

9 (A) The first and last name and address of the
10 patient; and

11 (B) The drug name, strength, dosage form, quantity
12 prescribed, and directions for use. Where a
13 prescription is for gamma hydroxybutyric acid,
14 methadone, or buprenorphine, the practitioner
15 shall record as part of the directions for use,
16 the medical need of the patient for the
17 prescription.

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1 Except for electronic prescriptions, controlled
2 substance prescriptions shall be no larger than eight
3 and one-half inches by eleven inches and no smaller
4 than three inches by four inches. A practitioner may
5 sign a prescription in the same manner as the
6 practitioner would sign a check or legal document
7 (e.g., J.H. Smith or John H. Smith) and shall use both
8 words and figures (e.g., alphabetically and
9 numerically as indications of quantity, such as five
10 (5)), to indicate the amount of controlled substance
11 to be dispensed. Where an electronic prescription is
12 permitted, either words or figures (e.g.,
13 alphabetically or numerically as indications of
14 quantity, such as five or 5), to indicate the amount
15 of controlled substance to be dispensed shall be
16 acceptable. Where an oral order or electronic
17 prescription is not permitted, prescriptions shall be
18 written with ink or indelible pencil or typed, shall
19 be manually signed by the practitioner, and shall
20 include the name, address, telephone number, and
21 registration number of the practitioner. The
22 prescriptions may be prepared by a secretary or agent
23 for the signature of the practitioner, but the

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1 prescribing practitioner shall be responsible in case
2 the prescription does not conform in all essential
3 respects to this chapter and any rules adopted
4 pursuant to this chapter. In receiving an oral
5 prescription from a practitioner, a pharmacist shall
6 promptly reduce the oral prescription to writing,
7 which shall include the following information: the
8 drug name, strength, dosage form, quantity prescribed
9 in figures only, and directions for use; the date the
10 oral prescription was received; the full name, Drug
11 Enforcement Administration registration number, and
12 oral code number of the practitioner; and the name and
13 address of the person for whom the controlled
14 substance was prescribed or the name of the owner of
15 the animal for which the controlled substance was
16 prescribed.

17 A corresponding liability shall rest upon a
18 pharmacist who fills a prescription not prepared in
19 the form prescribed by this section. A pharmacist may
20 add a patient's missing address or change a patient's
21 address on all controlled substance prescriptions
22 after verifying the patient's identification and
23 noting the identification number on the back of the

1 prescription document on file. The pharmacist shall
2 not make changes to the patient's name, the controlled
3 substance being prescribed, the quantity of the
4 prescription, the practitioner's Drug Enforcement
5 Administration number, the practitioner's name, the
6 practitioner's electronic signature, or the
7 practitioner's signature;

8 (2) An intern, resident, or foreign-trained physician, or
9 a physician on the staff of a Department of Veterans
10 Affairs facility or other facility serving veterans,
11 exempted from registration under this chapter, shall
12 include on all prescriptions issued by the physician:

13 (A) The registration number of the hospital or other
14 institution; and

15 (B) The special internal code number assigned to the
16 physician by the hospital or other institution in
17 lieu of the registration number of the
18 practitioner required by this section.

19 The hospital or other institution shall forward a copy
20 of this special internal code number list to the
21 department as often as necessary to update the
22 department with any additions or deletions. Failure
23 to comply with this paragraph shall result in the

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1 suspension of that facility's privilege to fill
2 controlled substance prescriptions at pharmacies
3 outside of the hospital or other institution. Each
4 written prescription shall have the name of the
5 physician stamped, typed, or hand-printed on it, as
6 well as the signature of the physician;

7 (3) An official exempted from registration shall include
8 on all prescriptions issued by the official:

9 (A) The official's branch of service or agency (e.g.,
10 "U.S. Army" or "Public Health Service"); and

11 (B) The official's service identification number, in
12 lieu of the registration number of the
13 practitioner required by this section. The
14 service identification number for a Public Health
15 Service employee shall be the employee's social
16 security or other government issued
17 identification number.

18 Each prescription shall have the name of the officer
19 stamped, typed, or handprinted on it, as well as the
20 signature of the officer; and

21 (4) A physician assistant registered to prescribe
22 controlled substances under the authorization of a

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1 supervising physician shall include on all controlled
2 substance prescriptions issued:

3 (A) The Drug Enforcement Administration registration
4 number of the supervising physician; and

5 (B) The Drug Enforcement Administration registration
6 number of the physician assistant.

7 Each written controlled substance prescription issued
8 shall include the printed, stamped, typed, or hand-
9 printed name, address, and phone number of both the
10 supervising physician and physician assistant, and
11 shall be signed by the physician assistant. The
12 medical record of each written controlled substance
13 prescription issued by a physician assistant shall be
14 reviewed and initialed by the physician assistant's
15 supervising physician within seven working days."

16 SECTION 2. New statutory material is underscored.

17 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:



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BY REQUEST

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Report Title:

Uniform Controlled Substances Act

Description:

Updates section 329-38(i), Hawaii Revised Statutes, to be consistent with federal law under Title 21 of the Code of Federal Regulations to allow for the use of either words or figures, not both, to indicate quantity where electronic prescriptions are permitted.

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

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JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

PURPOSE: Updates section 329-38(i), Hawaii Revised Statutes (HRS), to be consistent with federal law under Title 21 of the Code of Federal Regulations to allow for the use of either words or figures, not both, to indicate quantity where electronic prescriptions are permitted.

MEANS: Amend section 329-38(i), HRS.

JUSTIFICATION: Hawaii law requires that both words and figures be used to indicate quantity for a controlled substance prescription. Title 21 of Code of Federal Regulations (CFR), section 1306.5 requires only that quantity be indicated on a prescription, with no specification on how the quantity should be stated. The Narcotics Enforcement Division of the Department of Public Safety is informed that a large number of electronic prescription software programs do not have the capability to use both words and figures as the indication of quantity. As a result, such electronic prescriptions are being reissued in written form or faxed to the pharmacy to comply with Hawaii law, creating an inconvenience to the patient and a delay in medical care. Where electronic prescriptions are permitted, this amendment in section 328-38(i), HRS, is needed for consistency with federal regulations and efficiency.

Impact on the public: This bill is intended to protect the public by updating Hawaii's law to be consistent with the CFR.

Impact on the department and other agencies:
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: PSD 502.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.