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## 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

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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

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.

18  
19 INTRODUCED BY:                     *Jan*                    

20 BY REQUEST

21 JAN 22 2019

**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.



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OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: PSD 502.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval.