



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
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**Testimony COMMENTING on HB 1659 HD2**  
**RELATING TO HEALTH**

REPRESENTATIVE ROY M. TAKUMI, CHAIR  
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Hearing Date: 2/25/2020

Room Number: 329

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** The Department provides the following comments, which were vetted  
3 by the Deputy Attorney General.

4 This measure amends chapter 328, Hawaii Revised Statutes (HRS), by adding a new section that  
5 would allow a pharmacy to provide a customized patient medication package, defined as a  
6 package of one or more solid oral dosage forms prepared by a pharmacist for a specific patient,  
7 to any patient of an institutional facility or any member of the general public with an otherwise  
8 valid prescription and appropriate consent.

9 We recommend that lines 6-7 of page 1 of this bill be amended to simply refer to "any person"  
10 rather than "any patient of an institutional facility or any member of the general public." This  
11 change would also make it unnecessary to define the term "institutional facility" and,  
12 consequently, we suggest that this definition be removed (page 2, lines 4-5). Chapter 328  
13 currently contains a definition of "pharmacy" and "pharmacist," therefore we suggest that these  
14 two terms not be defined further in this measure. These two definitions may be removed (page  
15 2, lines 6-8). Currently, chapter 328 does not restrict the ability of a pharmacy or pharmacist to  
16 provide customized patient medication packages to any person with a valid prescription.  
17 However, the requirement of "consent," is new and creates a requirement where none existed  
18 before. Thus, the bill should be amended to clarify how consent can be given. If the Legislature  
19 intends for the patient, patient's caregiver, patient's guardian, or the prescribing practitioner to

1 provide written consent, which could incidentally serve as a record the pharmacy may then be  
2 required to retain, we suggest clarification to this effect on page 1, line 8. If, however, verbal  
3 consent is all that is intended (i.e., over the telephone), we similarly recommend that this be  
4 clarified. Please note that existing section 328-16(c), HRS, defines how "oral prescriptions"  
5 must be recorded by a pharmacist and existing section 328-17.7(a), HRS, mandates that certain  
6 prescription information be maintained by a pharmacist for a period of five (5) years. These  
7 sections could be used to further define the concept of "consent" envisioned by this measure.

8

9 **Offered Amendments:** None.

10 Thank you for the opportunity to provide comments on this measure