

---

# A BILL FOR AN ACT

---

RELATING TO PHARMACY.

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

SECTION 1. Chapter 461, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§461- Registered pharmacy technicians; certificate of registration required.** (a) Beginning January 1, 2026, no person shall act as a pharmacy technician without first obtaining a valid certificate of registration issued by the board pursuant to this section.

(b) Each certificate of registration shall be valid through December 31 of each odd-numbered year, upon which the registration shall lapse and a new registration shall be required.

(c) Beginning January 1, 2026, a pharmacy shall only employ registered pharmacy technicians to perform pharmacy technician duties. The pharmacist-in-charge shall verify that the person is a registered pharmacy technician and that the board has issued a certificate of registration for the pharmacy



1 technician before the registered pharmacy technician performs  
2 any tasks identified in this chapter or rules adopted pursuant  
3 to this chapter. The supervising registered pharmacist shall be  
4 responsible for the actions of the registered pharmacy  
5 technician.

6 (d) The certificate of registration shall be prominently  
7 displayed in an area accessible to the public in the workplace  
8 where the registered pharmacy technician is employed or  
9 practices.

10 (e) If the registered pharmacy technician is suspected to  
11 have violated any law or rule regarding the practice of  
12 pharmacy, legend drugs, or controlled substances, or if there is  
13 evidence that a registered pharmacy technician may have violated  
14 any such law or rule, the pharmacist-in-charge shall notify the  
15 board, in writing, within ten days or immediately if any danger  
16 to the public health or safety exists. Any registered  
17 pharmacist, whether or not practicing in the same pharmacy, who  
18 has knowledge or suspicion of a registered pharmacy technician  
19 who is in violation of any law or rule regarding the practice of  
20 pharmacy, legend drugs, or controlled substances shall notify



1 the board, in writing, within ten days or immediately if any  
2 danger to the public health or safety exists."

3 SECTION 2. Section 461-1, Hawaii Revised Statutes, is  
4 amended by adding three new definitions to be appropriately  
5 inserted and to read as follows:

6 "Auxiliary pharmacy personnel" means a person who works in  
7 a pharmacy assisting a registered pharmacist or registered  
8 pharmacy technician and who may perform the following:

- 9 (1) Retrieval tasks, such as retrieving prescriptions or  
10 files;
- 11 (2) Clerical tasks, such as data entry, typing labels, and  
12 maintaining patient profiles;
- 13 (3) Tasks such as selling prescriptions, telephoning,  
14 filing, and typing;
- 15 (4) Accounting tasks, such as recordkeeping, maintaining  
16 accounts receivables, third-party billing, and  
17 posting;
- 18 (5) Inventory control tasks, such as monitoring, pricing,  
19 dating, invoicing, stocking pharmacy, and preparing  
20 purchase orders; and



1        (6) Custodial tasks, such as helping maintain a clean and  
2        orderly pharmacy.

3        "Registered pharmacy technician" means a person, exclusive  
4        of pharmacy interns and auxiliary pharmacy personnel, with a  
5        certificate of registration issued by the board pursuant to  
6        section 461- , who may, in addition to the tasks of an  
7        auxiliary pharmacy personnel, perform filling, packaging,  
8        manipulative, repetitive, or other nondiscretionary tasks, and  
9        tasks specified in section 461-11.4, only while assisting and  
10       while under the supervision and control of a registered  
11       pharmacist.

12       "Supervision" means the direction and oversight of a  
13       registered pharmacy technician or pharmacy intern by a  
14       responsible registered pharmacist at all times when the  
15       registered pharmacy technician or pharmacy intern performs acts  
16       specified in this chapter or rules adopted pursuant to this  
17       chapter."

18       SECTION 3. Section 461-4.5, Hawaii Revised Statutes, is  
19       amended by amending subsection (a) to read as follows:

20       "(a) In addition to any other powers and duties authorized  
21       by law, the board:



1 (1) Shall adopt, amend, and repeal rules pursuant to  
2 chapter 91, as it deems proper for the purposes of  
3 this chapter, Public Law 100-293, and title 21 Code of  
4 Federal Regulations part 205;

5 (2) Shall examine, license, reinstate, and renew the  
6 licenses of qualified applicants for registered  
7 pharmacists and wholesale prescription drug  
8 distributors[~~r~~]; issue certificates of registration  
9 for registered pharmacy technicians; and issue and  
10 renew permits to operate pharmacies;

11 (3) May require the inspection of any wholesale  
12 prescription drug distributor premises in the State to  
13 ensure compliance with this chapter and rules adopted  
14 under this chapter, or may require an applicant for a  
15 pharmacy license to submit a statement that the  
16 premises, including but not limited to security and  
17 sanitation, are in conformance with the board's  
18 requirements and that the applicant possesses the  
19 reference materials and technical clinical equipment  
20 and supplies as may be specified in rules adopted  
21 under this chapter;



1 (4) May fine, suspend, or revoke any license,  
2 registration, or permit for any cause prescribed by  
3 this chapter, or for any violation of the rules  
4 adopted under this chapter, and refuse to grant or  
5 renew any license, registration, or permit for any  
6 cause which would be ground for revocation or  
7 suspension of a license, registration, or permit;

8 (5) May deny a license to any applicant who has been  
9 disciplined by another state or federal agency.

10 Notwithstanding any law to the contrary, a final order  
11 of disciplinary action taken pursuant to this  
12 paragraph shall be a matter of public record; and

13 (6) May approve pilot and demonstration research projects  
14 for innovative applications in the practice of  
15 pharmacy; provided that the projects shall not include  
16 therapeutic substitution or substitution of a medical  
17 device used in patient care; provided further that  
18 nothing in this paragraph shall be construed to expand  
19 the definition of "practice of pharmacy" [~~as defined~~]  
20 under section 461-1. The board may also:



1 (A) Approve a provision that grants an exception to  
2 any rule adopted under this paragraph;

3 (B) Extend the time an exception to a rule is  
4 granted, as may be necessary for the board to  
5 adopt an amendment or modification to the rule;

6 (C) Condition approval of a project upon compliance  
7 with this section and any rules adopted under  
8 this section; and

9 (D) Rescind approval and terminate a project if, at  
10 any time, a project fails to protect public  
11 health or welfare."

12 SECTION 4. Section 461-5, Hawaii Revised Statutes, is  
13 amended by amending its title to read as follows:

14 "\$461-5 [~~Qualifications~~] Registered pharmacists;  
15 qualifications for license."

16 SECTION 5. Section 461-8, Hawaii Revised Statutes, is  
17 amended by amending subsections (a) and (b) to read as follows:

18 "(a) All licenses and permits issued by the board, except  
19 temporary licenses issued under section 461-7, shall be renewed  
20 biennially on or before December 31 of each odd-numbered year.  
21 Failure to pay the biennial fee and [~~beginning with the renewal~~]



1 ~~for the licensing biennium commencing on January 1, 2008,~~ to  
2 satisfy the continuing education requirement on or before  
3 December 31 of each odd-numbered year, shall constitute a  
4 forfeiture of the license as of the date of expiration. Failure  
5 to pay the biennial fee on or before December 31 of each  
6 odd-numbered year shall constitute a forfeiture of the permit as  
7 of the date of expiration.

8 (b) Any license or permit forfeited pursuant to subsection  
9 (a) may be restored within three years upon payment of any  
10 penalty fee, the current biennial fees, and the renewal fee for  
11 the next biennium, if applicable, upon submission of proof of  
12 compliance with the continuing education requirement for the  
13 prior biennium, and upon meeting any other requirements  
14 specified in rules adopted pursuant to chapter 91."

15 SECTION 6. Section 461-9, Hawaii Revised Statutes, is  
16 amended by amending subsections (b) and (c) to read as follows:

17 "(b) No person shall practice as a pharmacy intern without  
18 having first obtained a permit from the board. The board shall  
19 adopt rules pursuant to chapter 91 defining the functions of a  
20 pharmacy intern, establishing the requirements to be met by an  
21 applicant for a pharmacy intern permit, and specifying the





1 duration of the permit and the procedures for the immediate  
2 supervision of the pharmacy intern by a registered  
3 pharmacist~~[-]~~; provided that the supervising registered  
4 pharmacist shall supervise the actions of the pharmacy intern.

5 (c) A registered pharmacy technician may be employed to  
6 ~~[assist the]~~ perform filling, packaging, manipulative,  
7 repetitive, or other nondiscretionary tasks, and tasks specified  
8 in section 461-11.4, only while assisting and while under the  
9 supervision and control of a registered pharmacist and under  
10 rules adopted by the board pursuant to chapter 91 ~~[that define~~  
11 ~~the qualifications and functions of the pharmacy technician and~~  
12 ~~provide the procedures for control and supervision by a~~  
13 ~~registered pharmacist]."~~

14 SECTION 7. Section 461-11.4, Hawaii Revised Statutes, is  
15 amended by amending subsections (a) to (d) to read as follows:

16 "(a) A pharmacist, pharmacy intern, or registered pharmacy  
17 technician under the direct supervision of a registered  
18 pharmacist may administer a vaccine to a person three years of  
19 age or older; provided that:

20 (1) The vaccine is authorized or approved by the United  
21 States Food and Drug Administration;



- 1           (2) The vaccine has been ordered by a registered  
2           pharmacist and administered in accordance with the  
3           recommendations of the Advisory Committee on  
4           Immunization Practices of the United States Department  
5           of Health and Human Services;
- 6           (3) The pharmacy intern has completed a practical training  
7           program approved by the Accreditation Council for  
8           Pharmacy Education that includes hands-on injection  
9           technique, clinical evaluation of indications and  
10          contraindications of vaccines, and the recognition and  
11          treatment of emergency responses to vaccines;
- 12          (4) The registered pharmacy technician has completed a  
13          practical training program approved by the  
14          Accreditation Council for Pharmacy Education that  
15          includes hands-on injection technique;
- 16          (5) The registered pharmacy technician has a Certified  
17          Pharmacy Technician certification from either the  
18          Pharmacy Technician Certification Board or National  
19          Healthcareer Association;



- 1       (6) The registered pharmacist, pharmacy intern, or  
2       registered pharmacy technician has a current  
3       certificate in basic cardiopulmonary resuscitation;
- 4       (7) The registered pharmacist or registered pharmacy  
5       technician has completed a minimum of two credit hours  
6       in immunization-related continuing education courses  
7       during each licensing biennium;
- 8       (8) The registered pharmacist is in compliance with all  
9       applicable recordkeeping and reporting requirements,  
10      including complying with adverse events reporting  
11      requirements;
- 12      (9) The registered pharmacist, pharmacy intern, or  
13      registered pharmacy technician has reviewed the  
14      patient's vaccination records before administering the  
15      vaccine;
- 16      (10) The registered pharmacist has informed the patient and  
17      the patient's primary guardian or caregiver of the  
18      importance of a well-child visit with a pediatrician  
19      or other licensed primary care provider and has  
20      referred the patient as appropriate; and



1 (11) Where a prescription has been ordered by a person  
2 other than the registered pharmacist, the registered  
3 pharmacist, pharmacy intern, or registered pharmacy  
4 technician shall verify that the prescriber or the  
5 prescriber's authorized agent is the patient's medical  
6 home.

7 (b) After the vaccination is administered, the registered  
8 pharmacist, pharmacy intern, or registered pharmacy technician  
9 under the direct supervision of a registered pharmacist shall  
10 immediately provide to the patient a vaccination record  
11 including the following information:

- 12 (1) The patient's name and date of birth;  
13 (2) The type of vaccine administered; and  
14 (3) The date and location that the vaccine was  
15 administered.

16 (c) The registered pharmacist, pharmacy intern, or  
17 registered pharmacy technician under the direct supervision of a  
18 registered pharmacist shall make a good faith effort to provide  
19 within seventy-two hours to the medical home and within five  
20 business days to the department of health immunization registry



1 the same information provided to the patient pursuant to  
2 subsection (b) as well as the following:

3 (1) The name of the vaccine product that was administered,  
4 including the manufacturer, lot number, and expiration  
5 date;

6 (2) The method of administration; and

7 (3) The anatomical site of administration.

8 (d) All pharmacy interns or registered pharmacy  
9 technicians who administer vaccines to persons three years of  
10 age or older shall complete the training program required by  
11 subsection (a) and submit the completion certificate for the  
12 training program to the board before administering any vaccine  
13 to persons three years of age or older."

14 SECTION 8. Section 461-21, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 **"§461-21 Disciplinary action.** (a) In addition to any  
17 other actions authorized by law, the board may deny, revoke, or  
18 suspend any license, registration, or permit applied for or  
19 issued by the board, in accordance with this chapter, and fine  
20 or otherwise discipline a licensee, registrant, or permit holder



1 for any cause authorized by law, including but not limited to  
2 the following:

- 3 (1) Procuring a license or registration through fraud,  
4 misrepresentation, or deceit;
- 5 (2) Professional misconduct, gross carelessness, or  
6 manifest incapacity;
- 7 (3) Permitting an unlicensed or unregistered person to  
8 perform activities that require a license or  
9 registration under this chapter;
- 10 (4) Violation of any of the provisions of this chapter or  
11 the rules adopted pursuant [~~thereto,~~] to this chapter;
- 12 (5) Violation of any [~~state or~~] federal or state drug,  
13 controlled substance, or poison law;
- 14 (6) False, fraudulent, or deceptive advertising;
- 15 (7) Any other conduct constituting fraudulent or dishonest  
16 dealings;
- 17 (8) Failure to comply with a board order;
- 18 (9) Making a false statement on any document submitted or  
19 required to be filed by this chapter, including a  
20 false certification of compliance with the continuing  
21 education requirement;



(10) Habitual intemperance or addiction to the use of habit-forming drugs;

(11) Administering a vaccine, including a human papillomavirus, Tdap (tetanus, diphtheria, pertussis), meningococcal, or influenza vaccine, without complying with section 461-11.4; or

(12) Prescribing or dispensing contraceptive supplies without complying with section 461-11.6.

(b) Any person who violates any of the provisions of this chapter or the rules adopted pursuant ~~[thereto]~~ to this chapter shall be fined ~~[not]~~ no less than \$100 ~~[nor]~~ and no more than \$1,000 for each violation.

(c) All proceedings for denial, suspension, fine, or revocation of a license, registration, or permit on any grounds specified in subsection (a) shall be conducted pursuant to chapter 91, including the right of judicial review."

SECTION 9. Section 26H-6, Hawaii Revised Statutes, shall not apply to this Act.

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.



H.B. NO. 72  
H.D. 2  
S.D. 1  
C.D. 1

**1** SECTION 11. This Act shall take effect upon its approval.





**Report Title:**

Board of Pharmacy; Registered Pharmacy Technicians; Certificate of Registration; Pharmacists-in-charge; Supervision

**Description:**

Beginning 1/1/2026, requires pharmacy technicians to be registered with and obtain a certificate of registration issued by the Board of Pharmacy. Imposes a duty on pharmacists-in-charge to report violations by registered pharmacy technicians to the Board of Pharmacy. Specifies that supervising registered pharmacists are responsible for the actions of registered pharmacy technicians and pharmacy interns. (CD1)

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

