

---

# A BILL FOR AN ACT

---

RELATING TO PHARMACY.

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

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

4       "§461-       Registered pharmacy technicians; registration  
5       required. (a) Beginning January 1, 2026, no person shall act  
6       as a pharmacy technician without first obtaining a valid  
7       registration issued by the board pursuant to this section.

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

11      (c) The registration fee for a pharmacy technician shall  
12      be \$20.

13      (d) Beginning January 1, 2026, a pharmacy shall only  
14      employ registered pharmacy technicians to perform pharmacy  
15      technician duties. The pharmacist-in-charge shall determine  
16      that the person is registered as a pharmacy technician and that  
17      the board has issued a certificate of registration for the



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

(e) The certificate of registration shall be prominently displayed in an area accessible to the public in the workplace where the pharmacy technician is employed or practices.

(f) If the registered pharmacy technician is suspected to have violated any law or regulation regarding the practice of pharmacy, legend drugs, or controlled substances or if there is evidence that a registered pharmacy technician may have violated any such law or regulation, the pharmacist-in-charge shall notify the board, in writing, within ten days or, if any danger to the public health or safety exists, immediately. Any other registered pharmacist, whether or not practicing in the same pharmacy, who has such knowledge or suspicion shall notify the board, in writing, within ten days or, if any danger to the public health or safety exists, immediately."



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

"Auxiliary pharmacy personnel" means a person who works in a pharmacy assisting a registered pharmacist and registered pharmacist technicians and who may perform the following tasks:

(1) Retrieval tasks such as retrieving prescriptions or files;

(2) Clerical tasks such as data entry, typing labels, and maintaining patient profiles;

(3) Tasks such as selling prescriptions, telephoning, filing, and typing;

(4) Accounting tasks such as recordkeeping, maintaining accounts receivables, third-party billing and posting;

(5) Inventory control tasks such as monitoring, pricing, dating, invoicing, stocking pharmacy, and preparation of purchase orders; and

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

"Registered pharmacy technician" means a person, exclusive of pharmacy interns and auxiliary pharmacy personnel, registered



1 with the board who may, in addition to the tasks of an auxiliary  
2 pharmacy personnel, perform filling, packaging, manipulative,  
3 repetitive, or other nondiscretionary tasks, and tasks specified  
4 in section 461-11.4, only while assisting and while under the  
5 direct supervision and control of a pharmacist.

6 "Supervision" means the direction and oversight of a  
7 registered pharmacy technician or pharmacy intern by a  
8 physically present, responsible registered pharmacist at all  
9 times when either party performs acts specified in this chapter  
10 or rules adopted pursuant to this chapter."

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

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

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

19 (2) Shall examine, license, reinstate, and renew the  
20 licenses of qualified applicants for registered  
21 pharmacists and wholesale prescription drug



1 distributors, issue certificates of registration for  
2 registered pharmacy technicians, and issue and renew  
3 permits to operate pharmacies;

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

15 (4) May fine, suspend, or revoke any license,  
16 registration, or permit for any cause prescribed by  
17 this chapter, or for any violation of the rules  
18 adopted under this chapter, and refuse to grant or  
19 renew any license, registration, or permit for any  
20 cause which would be ground for revocation or  
21 suspension of a license, registration, or permit;



- 1       (5) May deny a license to any applicant who has been  
2       disciplined by another state or federal agency.  
3       Notwithstanding any law to the contrary, a final order  
4       of disciplinary action taken pursuant to this  
5       paragraph shall be a matter of public record; and
- 6       (6) May approve pilot and demonstration research projects  
7       for innovative applications in the practice of  
8       pharmacy; provided that the projects shall not include  
9       therapeutic substitution or substitution of a medical  
10      device used in patient care; provided further that  
11      nothing in this paragraph shall be construed to expand  
12      the definition of "practice of pharmacy" [~~as defined~~]  
13      under section 461-1. The board may also:
- 14      (A) Approve a provision that grants an exception to  
15      any rule adopted under this paragraph;
- 16      (B) Extend the time an exception to a rule is  
17      granted, as may be necessary for the board to  
18      adopt an amendment or modification to the rule;
- 19      (C) Condition approval of a project upon compliance  
20      with this section and any rules adopted under  
21      this section; and



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

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

"§461-5 ~~[Qualifications]~~ Registered pharmacists; qualifications for license."

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

"(a) All licenses and permits issued by the board, except temporary licenses issued under section 461-7, shall be renewed biennially on or before December 31 of each odd-numbered year. Failure to pay the biennial fee and~~[, beginning with the renewal for the licensing biennium commencing on January 1, 2008,]~~ to satisfy the continuing education requirement on or before December 31 of each odd-numbered year, shall constitute a forfeiture of the license as of the date of expiration. Failure to pay the biennial fee on or before December 31 of each odd-numbered year shall constitute a forfeiture of the permit as of the date of expiration.



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

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

"(b) No person shall practice as a pharmacy intern without having first obtained a permit from the board. The board shall adopt rules pursuant to chapter 91 defining the functions of a pharmacy intern, establishing the requirements to be met by an applicant for a pharmacy intern permit, and specifying the duration of the permit and the procedures for the immediate supervision of the pharmacy intern by a registered pharmacist~~[-]~~; provided that the supervising registered pharmacist shall supervise the actions of the pharmacy intern.

(c) A registered pharmacy technician may be employed to ~~[assist the registered]~~ perform filling, packaging, manipulative, repetitive, or other nondiscretionary tasks, and





1 tasks specified in section 461-11.4, only while assisting and  
2 while under the direct supervisions and control of a pharmacist  
3 and under rules adopted by the board pursuant to chapter 91  
4 ~~[that define the qualifications and functions of the pharmacy~~  
5 ~~technician and provide the procedures for control and~~  
6 ~~supervision by a registered pharmacist]."~~

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

10 "(a) A pharmacist, pharmacy intern, or registered pharmacy  
11 technician under the direct supervision of a registered  
12 pharmacist may administer a vaccine to a person three years of  
13 age or older; provided that:

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

16 (2) The vaccine has been ordered by a registered  
17 pharmacist and administered in accordance with the  
18 recommendations of the Advisory Committee on  
19 Immunization Practices of the United States Department  
20 of Health and Human Services;



- 1 (3) The pharmacy intern has completed a practical training  
2 program approved by the Accreditation Council for  
3 Pharmacy Education that includes hands-on injection  
4 technique, clinical evaluation of indications and  
5 contraindications of vaccines, and the recognition and  
6 treatment of emergency responses to vaccines;
- 7 (4) The registered pharmacy technician has completed a  
8 practical training program approved by the  
9 Accreditation Council for Pharmacy Education that  
10 includes hands-on injection technique;
- 11 (5) The registered pharmacy technician has a Certified  
12 Pharmacy Technician certification from either the  
13 Pharmacy Technician Certification Board or National  
14 Healthcareer Association;
- 15 (6) The registered pharmacist, pharmacy intern, or  
16 registered pharmacy technician has a current  
17 certificate in basic cardiopulmonary resuscitation;
- 18 (7) The registered pharmacist or registered pharmacy  
19 technician has completed a minimum of two credit hours  
20 in immunization-related continuing education courses  
21 during each licensing biennium;



(8) The registered pharmacist is in compliance with all applicable recordkeeping and reporting requirements, including complying with adverse events reporting requirements;

(9) The registered pharmacist, pharmacy intern, or registered pharmacy technician has reviewed the patient's vaccination records before administering the vaccine;

(10) The registered pharmacist has informed the patient and the patient's primary guardian or caregiver of the importance of a well-child visit with a pediatrician or other licensed primary care provider and has referred the patient as appropriate; and

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

(b) After the vaccination is administered, the registered pharmacist, pharmacy intern, or registered pharmacy technician



1 under the direct supervision of a registered pharmacist shall  
2 immediately provide to the patient a vaccination record  
3 including the following information:

- 4 (1) The patient's name and date of birth;
- 5 (2) The type of vaccine administered; and
- 6 (3) The date and location that the vaccine was  
7 administered.

8 (c) The registered pharmacist, pharmacy intern, or  
9 registered pharmacy technician under the direct supervision of a  
10 registered pharmacist shall make a good faith effort to provide  
11 within seventy-two hours to the medical home and within five  
12 business days to the department of health immunization registry  
13 the same information provided to the patient pursuant to  
14 subsection (b) as well as the following:

- 15 (1) The name of the vaccine product that was administered,  
16 including the manufacturer, lot number, and expiration  
17 date;
- 18 (2) The method of administration; and
- 19 (3) The anatomical site of administration.

20 (d) All pharmacy interns or registered pharmacy  
21 technicians who administer vaccines to persons three years of



1 age or older shall complete the training program required by  
2 subsection (a) and submit the completion certificate for the  
3 training program to the board before administering any vaccine  
4 to persons three years of age or older."

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

7 "**§461-21 Disciplinary action.** (a) In addition to any  
8 other actions authorized by law, the board may deny, revoke, or  
9 suspend any license, registration, or permit applied for or  
10 issued by the board, in accordance with this chapter, and fine  
11 or otherwise discipline a licensee, registrant, or permit holder  
12 for any cause authorized by law, including but not limited to  
13 the following:

14 (1) Procuring a license or registration through fraud,  
15 misrepresentation, or deceit;

16 (2) Professional misconduct, gross carelessness, or  
17 manifest incapacity;

18 (3) Permitting an unlicensed or unregistered person to  
19 perform activities that require a license or  
20 registration under this chapter;



- 1 (4) Violation of any of the provisions of this chapter or  
2 the rules adopted pursuant thereto;
- 3 (5) Violation of any state or federal drug, controlled  
4 substance, or poison law;
- 5 (6) False, fraudulent, or deceptive advertising;
- 6 (7) Any other conduct constituting fraudulent or dishonest  
7 dealings;
- 8 (8) Failure to comply with a board order;
- 9 (9) Making a false statement on any document submitted or  
10 required to be filed by this chapter, including a  
11 false certification of compliance with the continuing  
12 education requirement;
- 13 (10) Habitual intemperance or addiction to the use of  
14 habit-forming drugs;
- 15 (11) Administering a vaccine, including a human  
16 papillomavirus, Tdap (tetanus, diphtheria, pertussis),  
17 meningococcal, or influenza vaccine, without complying  
18 with section 461-11.4; or
- 19 (12) Prescribing or dispensing contraceptive supplies  
20 without complying with section 461-11.6.



1 (b) Any person who violates any of the provisions of this  
2 chapter or the rules adopted pursuant [~~thereto~~] to this chapter  
3 shall be fined not less than \$100 nor more than \$1,000 for each  
4 violation.

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

9 SECTION 9. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 10. This Act shall take effect on July 1, 3000.



**Report Title:**

Registered Pharmacy Technicians; Registration; Pharmacists-in-charge; Supervision

**Description:**

Beginning 1/1/2026, requires pharmacy technicians to be registered. Imposes a duty on pharmacists-in-charge to report violations conducted by registered pharmacy technicians. Specifies that supervising registered pharmacists are responsible for the actions of registered pharmacy technicians and pharmacy interns. Effective 7/1/3000. (HD1)

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

