
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



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

6 (e) 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 (f) 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, if any danger to the
16 public health or safety exists, immediately. Any other
17 registered pharmacist, whether or not practicing in the same
18 pharmacy, who has such knowledge or suspicion shall notify the
19 board, in writing, within ten days or, if any danger to the
20 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.



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

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

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

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

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



- 1 (2) Shall examine, license, reinstate, and renew the
2 licenses of qualified applicants for registered
3 pharmacists and wholesale prescription drug
4 distributors, issue certificates of registration for
5 registered pharmacy technicians, and issue and renew
6 permits to operate pharmacies;
- 7 (3) May require the inspection of any wholesale
8 prescription drug distributor premises in the State to
9 ensure compliance with this chapter and rules adopted
10 under this chapter, or may require an applicant for a
11 pharmacy license to submit a statement that the
12 premises, including but not limited to security and
13 sanitation, are in conformance with the board's
14 requirements and that the applicant possesses the
15 reference materials and technical clinical equipment
16 and supplies as may be specified in rules adopted
17 under this chapter;
- 18 (4) May fine, suspend, or revoke any license,
19 registration, or permit for any cause prescribed by
20 this chapter, or for any violation of the rules
21 adopted under this chapter, and refuse to grant or



1 renew any license, registration, or permit for any
2 cause which would be ground for revocation or
3 suspension of a license, registration, or permit;

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

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

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

- 17 (A) Approve a provision that grants an exception to
18 any rule adopted under this paragraph;

- 19 (B) Extend the time an exception to a rule is
20 granted, as may be necessary for the board to
21 adopt an amendment or modification to the rule;



1 (C) Condition approval of a project upon compliance
2 with this section and any rules adopted under
3 this section; and

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

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

9 "\$461-5 [Qualifications] Registered pharmacists;
10 qualifications for license."

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

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



1 numbered year shall constitute a forfeiture of the permit as of
2 the date of expiration.

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

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

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



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

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

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

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

19 (2) The vaccine has been ordered by a registered
20 pharmacist and administered in accordance with the
21 recommendations of the Advisory Committee on



1 Immunization Practices of the United States Department
2 of Health and Human Services;

3 (3) The pharmacy intern has completed a practical training
4 program approved by the Accreditation Council for
5 Pharmacy Education that includes hands-on injection
6 technique, clinical evaluation of indications and
7 contraindications of vaccines, and the recognition and
8 treatment of emergency responses to vaccines;

9 (4) The registered pharmacy technician has completed a
10 practical training program approved by the
11 Accreditation Council for Pharmacy Education that
12 includes hands-on injection technique;

13 (5) The registered pharmacy technician has a Certified
14 Pharmacy Technician certification from either the
15 Pharmacy Technician Certification Board or National
16 Healthcareer Association;

17 (6) The registered pharmacist, pharmacy intern, or
18 registered pharmacy technician has a current
19 certificate in basic cardiopulmonary resuscitation;

20 (7) The registered pharmacist or registered pharmacy
21 technician has completed a minimum of two credit hours



1 in immunization-related continuing education courses
2 during each licensing biennium;

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

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

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

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



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

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

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

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



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

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

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

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

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



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



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

3 (b) Any person who violates any of the provisions of this
4 chapter or the rules adopted pursuant [~~thereto~~] to this chapter
5 shall be fined [~~not~~] no less than \$100 [~~nor~~] and no more than
6 \$1,000 for each violation.

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

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

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

15 SECTION 11. 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. (HD2)

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

