

---

---

# 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."



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

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

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

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

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

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

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

19 (6) Custodial tasks, such as helping maintain a clean and  
20 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.



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

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

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

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



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

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

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

- 16 (1) Procuring a license or registration through fraud,  
17 misrepresentation, or deceit;
- 18 (2) Professional misconduct, gross carelessness, or  
19 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.*

