

ACT 172

H.B. NO. 2491

A Bill for an Act Relating to the Dispensing of Prescription Drugs.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 328-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

““Pharmacist” means a person licensed under chapter 461 to practice in a pharmacy; and

“Practitioner” means an individual licensed by the State to prescribe prescription drugs within the scope of the person’s practice.”

SECTION 2. Section 328-16, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) In addition to the requirements enumerated in subsection (a), a prescription drug shall be dispensed only:

- (1) [Upon] By a pharmacist upon a written prescription of a practitioner licensed by law to administer the drug[;] or an out-of-state practitioner as provided in section 328-17.6; provided that all valid written prescriptions shall include the following information:
 - (A) The date of issuance;
 - (B) The original signature of the practitioner;
 - (C) The practitioner’s printed name and business address;
 - (D) The name, strength, and quantity of the drug, and specific directions for the drug’s use;
 - (E) The name and address of the person for whom the prescription was written or the name of the owner of the animal for which the drug was prescribed, unless the pharmacy filling the prescription has the address on file;
 - (F) The room number and route of administration, if the patient is in an institutional facility; and

- (G) The number of allowable refills, if the prescription is refill-able.
- (2) Upon an oral prescription of the practitioner[,]; provided [the seller] that:
- (A) The pharmacist shall promptly [reduces] reduce to writing [the]:
- (i) The oral prescription in full[, the];
 - (ii) The name, strength, and quantity of the drug, and specific directions for the drug's use[, the];
 - (iii) The date the oral prescription [is] was received[, the name of the seller, the];
 - (iv) The name and code designation of the prescriber[, the];
 - (v) The name and address of the person for whom the drug [is] was prescribed or the name of the owner of the animal for which the drug [is] was prescribed, [the] unless the pharmacy filling the prescription has the address on file; and
 - (vi) The department of health assigning the code designation to that subscriber[, and those];
- and
- (B) The prescriptions [or] and records [being] described in subparagraph (A) shall be subject [at all times] to the inspection of the department or its agents[; or] at all times;
- (3) By a practitioner, other than a pharmacist, to an ultimate user; provided that [the]:
- (A) The practitioner shall promptly [records] record in the practitioner's records [the]:
- (i) The prescription in full[, the];
 - (ii) The name, strength, and quantity of the drug, and specific directions for [its] the drug's use[, the];¹
 - (iii) The date the drug [is] was dispensed[, the]; and
 - (iv) The name and address of the person for whom the drug [is] was prescribed or the name of the owner of the animal for which the drug [is] was prescribed[, and those];
- and
- (B) The records [being] described in subparagraph (A) shall be subject [at all times] to the inspection of the department or its agents[; or] at all times;
- and
- (4) By refilling any written or oral prescription if that refilling is authorized by the prescriber either [in]:
- (A) In the original prescription; or [by]
- (B) By oral order, which [is] shall be reduced promptly to writing and filed by the pharmacist."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 21, 1994.)

Note

1. Should be underscored.