

ACT 208

S.B. NO. 2750

A Bill for an Act Relating to Pharmacists.

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

SECTION 1. Section 328-1 Hawaii Revised Statutes is amended by adding the definition of “pharmacy intern” to be appropriately inserted and to read as follows:

““Pharmacy intern” means a student or graduate of a school or college of pharmacy issued a permit by the board of pharmacy to work under the immediate supervision of a pharmacist.”

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) By a pharmacist or a pharmacy intern upon a written prescription [of] from 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 refillable. If the number of refills authorized by the practitioner is indicated using the terms "as needed" or "prn", the prescription shall not be filled after fifteen months from the date the original prescription was written.
- (2) Upon an oral prescription [of] from the practitioner; provided that;
  - (A) The pharmacist or pharmacy intern shall promptly reduce to writing:
    - (i) The oral prescription in full;
    - (ii) The name, strength, and quantity of the drug, and specific directions for the drug's use;
    - (iii) The date the oral prescription was received;
    - (iv) The name and oral code designation of the [prescriber;] practitioner;
    - (v) The name and address of the person for whom the drug was prescribed 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; and
    - (vi) The department of health assigning the oral code designation to that subscriber;
  - and
  - (B) The prescriptions and records described in subparagraph (A) shall be subject to the inspection of the department or its agents at all times;
- (3) By a practitioner, other than a pharmacist, to an ultimate user; provided that:
  - (A) The practitioner shall promptly record in the practitioner's records:
    - (i) The prescription in full;
    - (ii) The name, strength, and quantity of the drug, and specific directions for the drug's use;
    - (iii) The date the drug was dispensed; and
    - (iv) The name and address of the person for whom the drug was prescribed or the name of the owner of the animal for which the drug was prescribed;
  - and
  - (B) The records described in subparagraph (A) shall be subject to the inspection of the department or its agents at all times;
- and
- (4) By refilling any written or oral prescription if that refilling is authorized by the [prescriber] practitioner either:
  - (A) In the original prescription; or
  - (B) By oral order, which shall be reduced promptly to writing and filed by the pharmacist[.] or pharmacy intern."<sup>1</sup>

SECTION 3. Section 461-8, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) All licenses 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 shall constitute a forfeiture of the license as of the date of expiration.

(b) Any [holder of any expired] license [may be reinstated as a registered pharmacist] 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[.], and meeting any other requirements specified in rules adopted pursuant to chapter 91.”

SECTION 4. Section 461-8.5, Hawaii Revised Statutes, is amended to read as follows:

“**§461-8.5 Reciprocity.** (a) Any pharmacist who is registered or licensed under the laws of any state or territory of the United States with qualifications for licensure which equal or exceed those of this State, shall be eligible for licensure; provided that:

- (1) The pharmacist possesses a current valid license;
- (2) The pharmacist has practiced as a registered pharmacist for fifteen hundred hours or more within the five years preceding the date of application;
- (3) There is no disciplinary action pending or other unresolved complaints against the pharmacist in any state or territory of the United States;
- (4) The pharmacist does not have an encumbered license or a pending disciplinary action or unresolved complaint in the practice of pharmacy in any state or territory of the United States, or if any license has been or is encumbered, the pharmacist shall provide any information requested by the board; and
- (5) The laws of the other state or territory grant reciprocal treatment to licensees of this State.

The board may examine these licensees only as to knowledge of this State’s statutes and rules.

(b) An applicant applying for licensure pursuant to this section shall provide proof that the standards upon which licensure was granted by another state or territory of the United States are at least equivalent to the licensing standards that were in effect in this State under sections 461-5 and 461-6 at the time licensure in the other state or territory was granted.

(c) An applicant for reciprocity who is unable to demonstrate that licensure was based on standards at least equal to those in sections 461-5 and 461-6, may be issued a temporary license while fulfilling requirements necessary for licensure in this State. The requirements and limitations of a temporary license shall be the same as those under section 461-7.”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 17, 1996.)

**Note**

1. Period should be underscored.