

ACT 292

H.B. NO. 646

A Bill for an Act Relating to the Sale of Sterile Syringes for the Prevention of Disease.

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

SECTION 1. Chapter 325, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§325- Sale of sterile syringes for the prevention of disease. (a) The sale of sterile hypodermic syringes in a pharmacy, physician’s office, or health care institution for the purpose of preventing the transmission of dangerous blood-borne diseases, may be made solely by:

- (1) A pharmacist licensed under chapter 461;
- (2) A physician as defined in section 327E-2;
- (3) A health care provider as defined in section 327E-2; or
- (4) An authorized agent of a pharmacy, as defined in section 461-1, or of a health care institution, as defined in section 327E-2, operating under the direction of a licensed pharmacist or physician.

(b) The seller under subsection (a) shall provide the purchaser written educational material approved by the department of health under subsection (e) about prevention of blood-borne diseases, drug treatment, and safe disposal of used syringes at sites where syringes are sold.

(c) The sale or purchase of sterile hypodermic syringes under subsection (a) shall not constitute an offense under section 329-43.5.

(d) Nothing in this section provides immunity from prosecution to any person who violates any law that prohibits or regulates the use, possession, dispensing, distribution, or promotion of controlled substances, dangerous drugs, detrimental drugs, or harmful drugs, including but not limited to violation of section 329-41, 329-42, or 712-1241 to 712-1249.6.

(e) The department of health shall produce and make available to pharmacies, physicians’ offices, and health care institutions written educational material about prevention of blood-borne diseases, drug treatment, and safe disposal of used syringes for distribution under subsection (b).

(f) For purposes of this section, “sell” or “sale” means to transfer to another for value or consideration.”

SECTION 2. The director of health shall:

- (1) Develop and implement a system to dispose of used syringes received from the public;
- (2) Develop and implement a system to track syringes purchased in accordance with this Act that are exchanged for new syringes under the state needle exchange program; and
- (3) Submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2002 on the status of implementing the disposal and tracking systems.

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval; provided that section 1 shall take effect on July 1, 2002, and shall be repealed on July 1, 2004.

(Approved June 28, 2001.)

Note

1. Edited pursuant to HRS §23G-16.5.