

ACT 51

S.B. NO. 2770

A Bill for an Act Relating to Remote Dispensing Pharmacy.

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

SECTION 1. The legislature finds that many individuals living in underserved or remote areas need improved access to medications and pharmacy services. Without access to a pharmacy, individuals face tremendous barriers to obtaining basic, much-needed medications. To permit residents on rural islands and in remote areas to have access to a remote dispensing pharmacy, the legislature passed Act 96, Session Laws of Hawaii 2009.

The purpose of this Act is to clarify the definitions of “remote dispensing machine” and “remote dispensing pharmacy” to allow remote dispensing pharmacies to better serve these residents.

SECTION 2. Section 461-1, Hawaii Revised Statutes, is amended by amending the definitions of “remote dispensing machine” and “remote dispensing pharmacy” to read as follows:

““Remote dispensing machine” means a device used for dispensing unit-of-use drugs ~~[that are acquired pursuant to section 340B of the Public Health Service Act, Title 42 United States Code section 256b,]~~ that is operated using information technologies and is located in a remote dispensing pharmacy.

“Remote dispensing pharmacy” means the area in an institutional facility, including a federally qualified health center~~[-, providing] that provides~~ outpatient medical care in any county, ~~[by dispensing] where~~ prescription drugs ~~[that are acquired pursuant to section 340B of the Public Health Service Act, Title 42 United States Code section 256b,]~~ are dispensed through the use of a remote dispensing machine.”

SECTION 3. Act 190, Session Laws of Hawaii 2004, is amended by amending section 11 to read as follows:

“SECTION 11. This Act shall take effect on July 1, 2004, and shall be repealed on July 1, 2010; provided that ~~[sections]:~~

- (1) Sections 328C-1, 328C-2, and 461-1, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day before the effective date of this Act[-]; and
- (2) The definitions of “institutional facility” and “unit of use container” shall not be repealed when section 461-1, Hawaii Revised Statutes, is reenacted on July 1, 2010, pursuant to paragraph (1).”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval; provided that:

- (1) Section 3 of this Act shall take effect on June 30, 2010; and
- (2) The definitions of “remote dispensing machine” and “remote dispensing pharmacy”, as amended by this Act, shall not be repealed when the amendments to section 461-1, Hawaii Revised Statutes, are repealed on January 2, 2014, pursuant to section 7 of Act 212, Session Laws of Hawaii 2008, as amended by Act 96, Session Laws of Hawaii 2009.

(Approved April 23, 2010.)