

## ACT 184

H.B. NO. 652

A Bill for an Act Relating to Remote Dispensing.

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

SECTION 1. Section 461-10.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (c) to read:
 

“(c) No remote dispensing pharmacy shall operate within a five-mile radius of any pharmacy as defined under section 461-1; provided that:

  - (1) This subsection shall not apply to any remote dispensing pharmacy established prior to July 3, 2008 that has previously dispensed and will continue to dispense only prescription medications acquired pursuant to section 340B of the Public Health Service Act, Title 42 United States Code section 256b;
  - (2) If an appropriately designated pharmacy, as defined in section 461-1, is established within a five-mile radius of an existing remote dispensing pharmacy exempted by this subsection, all appropriate measures shall be taken to encourage the relocation of the existing remote dispensing machine within the newly established pharmacy; ~~and~~
  - (3) This subsection shall not apply to any remote dispensing pharmacy established in a facility operated by a health maintenance organization regulated pursuant to chapter 432D for the exclusive use of patients served at the facility~~[-]; and~~
  - (4) Beginning on the effective date of Act \_\_\_\_\_, Session Laws of Hawaii 2013, no remote dispensing pharmacy shall operate within the State; provided that this paragraph shall not apply to the two existing remote dispensing pharmacies operated by the Waianae Coast Comprehensive Health Center in Nanakuli and Waianae until June 1, 2014.”
2. By amending subsection (o) to read:
 

“(o) This section shall not apply to:

  - (1) Mobile medical clinics, provided that no such clinic shall operate in counties with a population less than one hundred thousand persons; or
  - (2) Federally qualified health centers~~[-]; provided that [no]~~:
    - (A) No remote dispensing pharmacy shall operate within a five-mile radius of any pharmacy as defined under section 461-1, except for those federally qualified health centers that are exempt under subsection (c)(1)~~[-]; and~~
    - (B) Beginning on the effective date of Act \_\_\_\_\_, Session Laws of Hawaii 2013, no remote dispensing pharmacy shall operate

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within the State; provided that this subparagraph shall not apply to the two existing remote dispensing pharmacies operated by the Waianae Coast Comprehensive Health Center in Nanakuli and Waianae until June 1, 2014.

As used in this subsection, “mobile medical clinic” means a motor vehicle retrofitted for exclusive use as a medical office or clinic for medical services licensed under chapter 321.”

SECTION 2. Act 212, Session Laws of Hawaii 2008, as amended by Acts 11 and 96, Session Laws of Hawaii 2009, is amended by amending section 7 to read as follows:

“SECTION 7. This Act shall take effect upon its approval and shall be repealed on January [~~2, 2014.~~] 1, 2016.”

SECTION 3. In printing this Act, the revisor of statutes shall insert in section 1 of this Act the corresponding act number of this Act.

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.

(Approved June 25, 2013.)