ACT 222

S.B. NO. 540

A Bill for an Act Relating to the Board of Pharmacy.

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

SECTION 1. The legislature finds that the role of the pharmacist has drastically evolved over the past fifty years. Pharmacists have moved beyond their traditional compounding and dispensing functions behind the pharmacy counter and now provide more patient-centered, primary-care based services, such as medication therapy management, preventative care screenings, and immunizations. Pharmacists are therefore well situated to provide patient education and increase access to health care.

The legislature also finds that there is a need to continually improve the effectiveness of health care delivery systems, including pharmacies. One way of accomplishing this objective is to utilize new technologies that enable health care personnel to reallocate health tasks to better and more efficiently meet the health needs of the public. The legislature further finds that experimentation with new

technologies and combinations of health care delivery systems can enhance a pharmacist's ability to provide more patient-centered services.

Accordingly, the purpose of this Act is to authorize the board of pharmacy to approve pilot and demonstration research projects for innovative applications in the practice of pharmacy.

SECTION 2. Section 461-4.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) In addition to any other powers and duties authorized by law, the board:

(1) Shall adopt, amend, and repeal rules pursuant to chapter 91, as it deems proper for the purposes of this chapter, Public Law 100-293, and title 21 Code of Federal Regulations part 205;

(2) Shall examine, license, reinstate, and renew the licenses of qualified applicants for registered pharmacists and wholesale prescription drug distributors, and issue and renew permits to operate pharmacies;

(3) May require the inspection of any wholesale prescription drug distributor premises in the State to ensure compliance with this chapter and rules adopted under this chapter, or may require an applicant for a pharmacy license to submit a statement that the premises, including but not limited to security and sanitation, are in conformance with the board's requirements and that the applicant possesses the reference materials and technical clinical equipment and supplies as may be specified in rules adopted under this chapter;

(4) May fine, suspend, or revoke any license or permit for any cause prescribed by this chapter, or for any violation of the rules adopted under this chapter, and refuse to grant or renew any license or permit for any cause which would be ground for revocation or suspension of a license or permit; [~~and~~]

(5) May deny a license to any applicant who has been disciplined by another state or federal agency. Notwithstanding any law to the contrary, a final order of disciplinary action taken pursuant to this paragraph shall be a matter of public record[~~.~~]; and

(6) May approve pilot and demonstration research projects for innovative applications in the practice of pharmacy; provided that the projects shall not include therapeutic substitution or substitution of a medical device used in patient care; provided further that nothing in this paragraph shall be construed to expand the definition of "practice of pharmacy" as defined under section 461-1. The board may also:

(A) Approve a provision that grants an exception to any rule adopted under this paragraph;

(B) Extend the time an exception to a rule is granted, as may be necessary for the board to adopt an amendment or modification to the rule;

(C) Condition approval of a project upon compliance with this section and any rules adopted under this section; and

(D) Rescind approval and terminate a project if, at any time, a project fails to protect public health or welfare."

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

SECTION 4. This Act shall take effect upon its approval.
(Approved July 2, 2019.)