

## ACT 256

H.B. NO. 218

A Bill for an Act Relating to Prescription Drugs.

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

SECTION 1. The legislature finds that prescription drugs may not be dispensed unless the label of the container identifies the drug prescribed and provides other specific information that is considered essential for public health and safety. Nonetheless, individuals may often have difficulty reading the labels on the prescription drug containers due to age or disability, including persons with low vision or blindness. Difficulty in reading the labels on prescription drug containers may affect as many as sixty thousand residents in the State. The legislature further finds that certain technologies provide the prescription drug label information in alternate formats that are more accessible to persons who have difficulty seeing or reading standard printed labels on prescription drug containers.

Accordingly, the purpose of this Act is to:

- (1) Require certain pharmacies to:
  - (A) Provide accessible prescription drug label information to individuals who have difficulty seeing or reading standard printed labels on prescription drug containers; and
  - (B) Make sustained, periodic, and reasonable efforts to inform the public that prescription drug label information is available in alternate accessible formats for individuals who have difficulty seeing or reading standard printed labels on prescription drug containers; and
- (2) Require the board of pharmacy to adopt certain rules necessary for the purposes of this Act before December 31, 2024.

SECTION 2. Chapter 461, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§461- Pharmacies; prescription drug label information; accessibility.**

(a) When dispensing a prescription drug to an individual who, as acknowledged by the individual, has difficulty seeing or reading standard printed labels on prescription drug containers, the dispensing pharmacy shall provide the individual with a means of access to obtain the prescription drug label information required pursuant to section 328-16(a) by:

- (1) Including an electronic label affixed to the prescription drug container that transmits prescription drug label information, directions,

and written instructions to an end-user's external accessible device, including an individual's compatible prescription drug reader; or

(2) Providing a prescription drug reader at no cost to the individual.

(b) Dispensing pharmacies shall make sustained, periodic, and reasonable efforts to inform the public that prescription drug label information is available in accessible formats for individuals who have difficulty seeing or reading standard printed labels on prescription drug containers.

(c) Dispensing pharmacies shall otherwise follow the best practices as recommended by the United States Access Board for pharmacies in providing independent access to prescription drug label information.

(d) This section shall not apply to a pharmacy that is a sole proprietorship with no more than two pharmacists; provided that the pharmacy has requested and been granted an exemption from the requirements of this section by the board; provided further that the exemption shall be subject to an annual review and approval that the board may grant on a case-by-case basis upon a finding that compliance with this section would result in an undue burden for the pharmacy, determined by the board in accordance with the Americans with Disabilities Act (42 U.S.C. 12182)."

SECTION 3. Section 461-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

"End-user's external accessible device" means a commercially available computer, mobile phone, or other communications device that is able to receive electronic information transmitted from an external source and provide the electronic information in a form and format accessible to the individual.

"Prescription drug reader" means a dedicated electronic device that is able to obtain information from an electronic label affixed to a container of prescription drugs and provide the information in an audio format accessible to the individual."

SECTION 4. No later than December 31, 2024, the board of pharmacy shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, necessary to carry out the purposes of this Act. The rules adopted by the board of pharmacy shall:

- (1) Set forth rules in accordance with this Act applicable to hospital pharmacies and manufacturers of prescription drugs that provide their products directly to consumers; and
- (2) Allow the board of pharmacy to deny, revoke, or suspend a pharmacy license or impose a fine not to exceed \$1,000 per violation for failure to comply with the purposes of this Act.

SECTION 5. New statutory material is underscored.<sup>1</sup>

SECTION 6. This Act shall take effect on July 1, 2023.

(Approved July 7, 2023.)

#### Note

1. Edited pursuant to HRS §23G-16.5.