

## ACT 96

S.B. NO. 2119

A Bill for an Act Relating to Out-of-State Prescriptions.

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

SECTION 1. The legislature finds that administrative rules adopted by the board of pharmacy permit the transfer of prescription information between pharmacies for the purpose of initial prescription fill or refill dispensing. Furthermore, an out-of-state practitioner may issue a written, oral, or electronic prescription within the confines of the practitioner's license and pursuant to Hawaii laws and rules. Accordingly, it is permissible for a pharmacy in the State to complete an initial prescription fill and any refills.

The legislature recognizes that it is common for an out-of-state patient to require an acute medication, such as antibiotics, while visiting the State. When an out-of-state patient requires medication, the patient's out-of-state practitioner issues the prescription to an out-of-state pharmacy. Because Hawaii law does not explicitly permit out-of-state pharmacies to transfer prescription information to in-state pharmacies for dispensing an initial prescription fill, local pharmacists must contact out-of-state practitioners for a verbal order. This results in workflow redundancy and ultimately treatment delays for out-of-state patients.

Accordingly, the purpose of this Act is to authorize out-of-state pharmacies to transfer prescription information for the initial fill of an out-of-state prescription in the State.

SECTION 2. Section 328-17.6, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

“(b) An out-of-state pharmacy may transfer prescription information for filling or refilling purposes and an out-of-state medical oxygen distributor may transfer prescription information for the purpose of refilling a medical oxygen order.”

2. By amending subsection (d) to read:

“(d) Before filling or refilling a transferred out-of-state prescription, or before refilling medical oxygen, a pharmacist or medical oxygen distributor shall:

- (1) Except as otherwise authorized for expedited partner therapy in section 453-52 or for an opioid antagonist in section 461-11.8, advise the person whose name appears on the prescription that the prescription on file at the originating out-of-state pharmacy or medical oxygen distributor may be canceled; and
- (2) Record all information required to be on a prescription, including:
  - (A) The date of issuance of the original prescription;
  - (B) The number of refills authorized on the original prescription;
  - (C) The date the original prescription was dispensed;
  - (D) The number of valid refills remaining and the date of the last refill;
  - (E) The out-of-state pharmacy's or out-of-state medical oxygen distributor's name, telephone number, and address, and the original prescription number or control number from which the prescription information was transferred; and
  - (F) The name of the transferor pharmacist or the medical oxygen distributor's agent.”

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SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 27, 2024.)