
A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 329-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding the definition of "mail order pharmacy" to
4 read:

5 "Mail order pharmacy" means an out-of-state pharmacy or
6 entity engaged in the practice of pharmacy which has obtained a
7 permit pursuant to section 461-15, Hawaii Revised Statutes, to
8 distribute, ship, mail or deliver prescription drugs or devices
9 into the State."

10 2. By amending the definition of "identification number"
11 to read:

12 "Identification number" means, with respect to a patient:

13 (1) The patient's unique valid driver's license number or
14 state identification card number, followed by the
15 abbreviation of the state issuing the driver's license
16 or state identification card, or the patient's
17 military identification number[+], or, with respect to



1 a mail order pharmacy, "identification number" means a
2 unique patient identifier assigned to the individual
3 by the payor, insurer, or pharmacy benefit manager;

4 (2) If the patient is a foreign patient, the patient's
5 passport number;

6 (3) If the patient does not have a valid driver's license,
7 state identification card, or military identification,
8 the patient's social security number;

9 (4) If the patient is less than eighteen years of age and
10 has none of the identification referred to in
11 paragraph (1), (2), or (3), the unique number on the
12 valid driver's license, state identification card,
13 military identification, or passport of the patient's
14 parent or guardian; or

15 (5) If the controlled substance is obtained for an animal,
16 the unique number of the animal's owner as described
17 in paragraph (1), (2), or (3)."

18 SECTION 2. Section 329-41, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) It is unlawful for any person:

21 (1) Who is subject to part III to distribute, administer,
22 prescribe, or dispense a controlled substance in



1 violation of section 329-38; however, a licensed
2 manufacturer or wholesaler may sell or dispense a
3 controlled substance to a master of a transpacific
4 ship or a person in charge of a transpacific aircraft
5 upon which no physician is regularly employed, for the
6 actual medical needs of persons on board [~~such~~] the
7 ship or aircraft when not in port; provided schedule I
8 or II controlled substances shall be sold to the
9 master of [~~such~~] the ship or person in charge of
10 [~~such~~] the aircraft only in accordance with the
11 provisions set forth in 21 Code of Federal
12 Regulations, Sections 1301, 1305, and 1307, adopted
13 pursuant to Title 21, United States Code, Section 821;

14 (2) Who is a registrant to manufacture a controlled
15 substance not authorized by the registrant's
16 registration or to distribute or dispense a controlled
17 substance not authorized by the registrant's
18 registration to another registrant or another
19 authorized person;

20 (3) To refuse or fail to make available, keep, or furnish
21 any record, notification, order form, prescription,
22 statement, invoice, or information in patient charts



- 1 relating to the administration, dispensing, or
2 prescribing of controlled substances;
- 3 (4) To refuse any lawful entry into any premises for any
4 inspection authorized by this chapter;
- 5 (5) Knowingly to keep or maintain any store, shop,
6 warehouse, dwelling, building, vehicle, boat,
7 aircraft, or other structure or place for the purpose
8 of using these substances or which is used for keeping
9 or selling them in violation of this chapter or
10 chapter 712, part IV; or
- 11 (6) Who is a practitioner or pharmacist to dispense a
12 controlled substance to any individual not known to
13 the practitioner or pharmacist, without first
14 obtaining proper identification and documenting, by
15 signature on a log book kept by the practitioner or
16 pharmacist, the identity of and the type of
17 identification presented by the individual obtaining
18 the controlled substance. For purposes of this
19 section, a patient properly enrolled in a mail order
20 prescription drug plan is "known to" the mail order
21 pharmacist. If the individual does not have any form
22 of proper identification, the pharmacist shall verify



1 the validity of the prescription and identity of the
2 patient with the prescriber, or their authorized
3 agent, before dispensing the controlled substance.

4 For the purpose of this section, "proper
5 identification" means government-issued identification
6 containing the photograph, printed name, and signature
7 of the individual obtaining the controlled substance."

8 SECTION 3. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun, before its effective date.

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

13 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Mail Service Pharmacies; ID for Dispensing Controlled Substances

Description:

Authorizes the use of a payor provided identification number in mail-order prescriptions. (SD1)

