
A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 SECTION 1. The legislature finds that there is an
2 increased chance of prescription medications being misdirected
3 when they are dispensed by mail. For example, mail order
4 prescriptions are frequently left unattended or with unknown
5 parties at the delivery address. In addition, the legislature
6 finds that Hawaii law currently does not require the signature
7 of the patient or the patient's authorized agent upon the
8 delivery of a prescribed controlled substance that is dispensed
9 by mail. This creates the danger that controlled substances
10 will not be used to treat patients as prescribed, and instead,
11 they will be misdirected for improper or illegal uses.

12 The purpose of this Act is to increase regulation of
13 controlled substances by requiring the signature of the patient
14 to whom a controlled substance is prescribed, or an authorized
15 agent, upon delivery of a controlled substance that is dispensed
16 by mail.



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

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

4 (1) Who is subject to part III to distribute, administer,
5 prescribe, or dispense a controlled substance in
6 violation of section 329-38 or rules authorized under
7 section 329-31; however, a licensed manufacturer or
8 wholesaler may sell or dispense a controlled substance
9 to a master of a transpacific ship or a person in
10 charge of a transpacific aircraft upon which no
11 physician is regularly employed, for the actual
12 medical needs of persons on board such ship or
13 aircraft when not in port; provided schedule I or II
14 controlled substances shall be sold to the master of
15 such ship or person in charge of such aircraft only in
16 accordance with the provisions set forth in 21 Code of
17 Federal Regulations, sections 1301, 1305, and 1307,
18 adopted pursuant to Title 21, United States Code,
19 section 821;

20 (2) Who is a registrant to manufacture a controlled
21 substance not authorized by the registrant's



- 1 registration or to distribute or dispense a controlled
2 substance not authorized by the registrant's
3 registration to another registrant or another
4 authorized person;
- 5 (3) To refuse or fail to make available, keep, or furnish
6 any record, notification, order form, prescription,
7 statement, invoice, or information in patient charts
8 relating to the administration, dispensing, or
9 prescribing of controlled substances;
- 10 (4) To refuse any lawful entry into any premises for any
11 inspection authorized by this chapter;
- 12 (5) Knowingly to keep or maintain any store, shop,
13 warehouse, dwelling, building, vehicle, boat,
14 aircraft, or other structure or place for the purpose
15 of using these substances or which is used for keeping
16 or selling them in violation of this chapter or
17 chapter 712, part IV;
- 18 (6) Who is a practitioner or pharmacist to dispense a
19 controlled substance to any individual not known to
20 the practitioner or pharmacist, except under the
21 following circumstances:



1 (A) When dispensing a controlled substance directly
2 to an individual, the practitioner or pharmacist
3 shall first obtain and document, in a log book or
4 an electronic database, the full name,
5 identification number, identification type, and
6 signature, whether by actual signature or by
7 electronic signature capture device, of the
8 individual obtaining the controlled substance.
9 If the individual does not have any form of
10 proper identification, the pharmacist shall
11 verify the validity of the prescription and
12 identity of the patient with the prescriber, or
13 their authorized agent, before dispensing the
14 controlled substance; and

15 (B) [~~For~~] When dispensing a controlled substance by
16 mail [~~order prescriptions, the practitioner or~~
17 ~~pharmacist shall not be subject to subparagraph~~
18 ~~(A); provided that all other requirements of~~
19 ~~chapter 329 shall apply and that the~~]:

20 (i) The practitioner or pharmacist, as part of
21 the initial registration process of an



1 individual in a mail order prescription drug
2 plan and prior to the controlled substance
3 being dispensed, shall obtain all
4 identification information, including the
5 full name, identification number,
6 identification type, signature, and a
7 photocopy of a form of proper identification
8 of the individual obtaining the controlled
9 substance[+]; and

10 (ii) The signature of the person identified in
11 clause (i), or that person's authorized
12 agent, shall be obtained at the time of
13 delivery of the controlled substance.

14 The practitioner or pharmacist shall also comply
15 with other requirements set forth by rule.

16 For the purpose of this section, "proper
17 identification" means government-issued identification
18 containing the photograph, printed name,
19 identification number, and signature of the individual
20 obtaining the controlled substance;



H.B. NO. 513

1 (7) Who is a practitioner to predate or pre-sign
 2 prescriptions to facilitate the obtaining or attempted
 3 obtaining of controlled substances; or

4 (8) Who is a practitioner to facilitate the issuance or
 5 distribution of a written prescription or to issue an
 6 oral prescription for a controlled substance when not
 7 physically in the State."

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 on July 1, 2015.

14

INTRODUCED BY:

Cindy Evans
Richard Luyke
John M. [Signature]

JAN 23 2015



H.B. NO. 513

Report Title:

Controlled Substances; Pharmacist; Mail Order Prescriptions

Description:

Requires the signature of the patient or an authorized agent when delivering prescribed controlled substances by mail.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

