



GOV. MSG. NO. 1359

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 7, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

✓ The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 7, 2023, the following bill was signed into law:

HB218 HD2 SD2 CD1

RELATING TO PRESCRIPTION DRUGS..
ACT 256

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on _____

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 218
H.D. 2
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO PRESCRIPTION DRUGS.

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

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

15 Accordingly, the purpose of this Act is to:

16 (1) Require certain pharmacies to:



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

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

17 "§461- Pharmacies; prescription drug label information;
 18 accessibility. (a) When dispensing a prescription drug to an
 19 individual who, as acknowledged by the individual, has
 20 difficulty seeing or reading standard printed labels on
 21 prescription drug containers, the dispensing pharmacy shall



1 provide the individual with a means of access to obtain the
2 prescription drug label information required pursuant to section
3 328-16(a) by:

4 (1) Including an electronic label affixed to the
5 prescription drug container that transmits
6 prescription drug label information, directions, and
7 written instructions to an end-user's external
8 accessible device, including an individual's
9 compatible prescription drug reader; or

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

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

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



1 (d) This section shall not apply to a pharmacy that is a
2 sole proprietorship with no more than two pharmacists; provided
3 that the pharmacy has requested and been granted an exemption
4 from the requirements of this section by the board; provided
5 further that the exemption shall be subject to an annual review
6 and approval that the board may grant on a case-by-case basis
7 upon a finding that compliance with this section would result in
8 an undue burden for the pharmacy, determined by the board in
9 accordance with the Americans with Disabilities Act (42 U.S.C.
10 12182)."

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

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

20 "Prescription drug reader" means a dedicated electronic
21 device that is able to obtain information from an electronic



1 label affixed to a container of prescription drugs and provide
2 the information in an audio format accessible to the
3 individual."

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

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

16 SECTION 5. New statutory material is underscored.

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



APPROVED this **7th** day of **July**, 2023

A handwritten signature in black ink, appearing to read "Josh Green". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke at the end.

GOVERNOR OF THE STATE OF HAWAII

HB No. 218, HD 2, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives

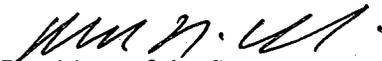


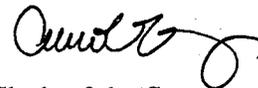
Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: May 2, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.


President of the Senate


Clerk of the Senate