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# 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.



**Report Title:**

Deaf and Blind Task Force; Prescription Drug Label Information; Accessibility; Pharmacies; Board of Pharmacy; Administrative Rules

**Description:**

Requires certain pharmacies to provide accessible prescription drug label information to individuals who have difficulty seeing or reading standard printed labels on prescription drug containers and inform the public that prescription drug label information is available in alternate accessible formats for individuals who have difficulty seeing or reading prescription drug container labels. Requires the Board of Pharmacy to adopt certain rules by 12/31/2024. (CD1)

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

