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# A BILL FOR AN ACT

RELATING TO THE UNIFORM CONTROLLED SUBSTANCE ACT.

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

1       SECTION 1. Section 329-1, Hawaii Revised Statutes, is  
2 amended by adding four new definitions to be appropriately  
3 inserted and to read as follows:

4       "Chronic opioid therapy" means at least three months of  
5 continuous treatment for chronic pain with opioid drugs.

6       "Pharmacist delegate" means a pharmacy employee who is  
7 selected by a pharmacist to act as the pharmacist's agent and is  
8 delegated with the task of accessing the electronic prescription  
9 accountability system. The pharmacist shall take full  
10 responsibility for any action taken by the pharmacist delegate  
11 in its role as the pharmacist delegate.

12       "Practitioner" means a physician, dentist, advanced  
13 practice registered nurse with prescriptive authority, or  
14 physician assistant.

15       "Practitioner delegate" means an agent or employee of a  
16 practitioner who is delegated with the task of accessing the  
17 electronic prescription accountability system. The practitioner



1 shall take full responsibility for any action taken by the  
2 practitioner delegate in its role as the practitioner delegate."

3 SECTION 2. Section 329-101, Hawaii Revised Statutes, is  
4 amended as follows:

5 1. By amending subsection (b) to read:

6 "(b) The designated state agency shall determine those  
7 schedules of controlled substances, classes of controlled  
8 substances, and specific controlled substances that are  
9 purportedly being misused and abused in the State. No  
10 practitioner may administer, prescribe, or dispense a controlled  
11 substance unless the practitioner is registered with the  
12 designated state agency to utilize the electronic prescription  
13 accountability system. Beginning January 1, 2016, all  
14 practitioners administering, prescribing, or dispensing a  
15 controlled substance in schedules II through IV, shall register  
16 with the electronic prescription accountability system as part  
17 of the renewal process for controlled substance registration.

18 No identified controlled substances may be dispensed unless  
19 information relevant to the dispensation of the substance is  
20 reported electronically or by means indicated by the designated



1 state agency to the central repository established under section  
2 329-102, in accordance with rules adopted by the department."

3 2. By amending subsection (e) to read:

4 "(e) The system shall provide for the use of a central  
5 repository in accordance with section 329-102. Beginning  
6 January 1, 2017, all practitioners and practitioner delegates  
7 shall request patient information from the central repository  
8 prior to the practitioner administering, prescribing, or  
9 dispensing a controlled substance to a new patient and shall  
10 request patient information from the central repository at least  
11 three times per year for a patient that receives chronic opioid  
12 therapy; provided that a practitioner or practitioner delegate  
13 shall not be required to request patient information from the  
14 central repository pursuant to this subsection if the request is  
15 for a new patient to whom the practitioner administers,  
16 prescribes, or dispenses a supply of seven days or less of an  
17 opioid drug in an emergency room or department. The operation  
18 of the system shall be overseen by the designated state agency.  
19 The system shall include provisions to protect the  
20 confidentiality of information in the system, in accordance with  
21 section 329-104."



1       SECTION 3. Section 329-104, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3       "(c) This section shall not prevent the disclosure, at the  
4 discretion of the administrator, of investigative information  
5 to:

6       (1) Law enforcement officers, investigative agents of  
7 federal, state, or county law enforcement or  
8 regulatory agencies, United States attorneys, county  
9 prosecuting attorneys, or the attorney general;  
10 provided that the administrator has reasonable grounds  
11 to believe that the disclosure of any information  
12 collected under this part is in furtherance of an  
13 ongoing criminal or regulatory investigation or  
14 prosecution;

15       (2) Registrants authorized under chapters 448, 453, and  
16 463E who are registered to administer, prescribe, or  
17 dispense controlled substances[+] and practitioner  
18 delegates; provided that the information disclosed  
19 relates only to the registrant's own patient;

20       (3) Pharmacists[+] or pharmacist delegates, employed by a  
21 pharmacy registered under section 329-32, who request



1 prescription information about a customer relating to  
2 a violation or possible violation of this chapter;  
3 [~~or~~]

4 (4) Other state-authorized governmental prescription-  
5 monitoring programs~~[-]~~;

6 (5) The chief medical examiner or licensed physician  
7 designee who requests information and certifies the  
8 request is for the purpose of investigating the death  
9 of a person;

10 (6) Qualified personnel for the purpose of legitimate  
11 research or education; provided that any data that  
12 reasonably identifies a specific recipient,  
13 prescriber, or dispenser shall be deleted from the  
14 information prior to disclosure; provided further that  
15 release of the information shall be made pursuant to a  
16 written agreement between qualified personnel and the  
17 administrator to ensure compliance with this  
18 subsection; and

19 (7) Other entities or individuals authorized by the  
20 administrator to assist the program with projects that



1           enhance the electronic prescription accountability  
2           system."

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

5           SECTION 5. This Act shall take effect on January 7, 2059.



**Report Title:**

Health; Uniform Controlled Substances Act; Electronic  
Prescription Accountability System

**Description:**

Requires practitioners to register to use the electronic prescription accountability system in order to administer, prescribe, or dispense a controlled substance; requires all practitioners administering, prescribing, or dispensing a controlled substance in schedules II through IV to register with the electronic prescription accountability system with renewal of the controlled substance registration beginning January 1, 2016; requires all practitioners and practitioner delegates to request patient information from the central repository prior to the practitioner administering, prescribing, or dispensing a controlled substance to a new patient and for any patient that is receiving chronic opioid therapy beginning January 1, 2017, with a specific exception; provides pharmacist delegates and practitioner delegates with access to the electronic prescription accountability system; and in certain situations, expands access to investigative information in the electronic prescription accountability system to include law enforcement officers and investigative agents of regulatory agencies and various individuals. Effective 01/07/2059. (SD2)

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

