
A BILL FOR AN ACT

RELATING TO PHARMACY.

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

1 SECTION 1. Section 461-1, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Outsourcing facility" shall have the meaning ascribed to
5 it under section 503B of the Federal Food, Drug, and Cosmetic
6 Act, Public Law 75-717, as amended."

7 SECTION 2. Section 461-15, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) It shall be unlawful:

10 (1) For any person to sell or offer for sale at public
11 auction, or to sell or offer for sale at private sale
12 in a place where public auctions are conducted, any
13 prescription drugs without first obtaining a permit
14 from the board of pharmacy to do so;

15 (2) For any person to distribute or dispense samples of
16 any prescription drugs without first obtaining a
17 permit from the board to do so; provided that nothing



1 in this paragraph shall interfere with the furnishing
2 of samples or drugs directly to physicians, druggists,
3 dentists, veterinarians, and optometrists for use in
4 their professional practice;

5 (3) For wholesalers to sell, distribute, or dispense any
6 prescription drug, except to a pharmacist, physician,
7 dentist, veterinarian, or optometrist who is allowed
8 to use pharmaceutical agents under chapter 459 or to a
9 generally recognized industrial, agricultural,
10 manufacturing, or scientific user of drugs for
11 professional or business purposes; provided that it
12 shall be unlawful for wholesalers to sell, distribute,
13 or dispense any prescription pharmaceutical agent that
14 is not approved by the board of examiners in
15 optometry;

16 (4) For any wholesale prescription drug distributor to
17 sell or distribute medical oxygen except to a:

18 (A) Licensed practitioner with prescriptive
19 authority;

20 (B) Pharmacist;

21 (C) Medical oxygen distributor;



- 1 (D) Patient or a patient's agent pursuant to a
- 2 prescription; or
- 3 (E) Emergency medical services for administration by
- 4 trained personnel for oxygen deficiency and
- 5 resuscitation;
- 6 (5) For any medical oxygen distributor to supply medical
- 7 oxygen pursuant to a prescription order, to a patient
- 8 or a patient's agent, without first obtaining a permit
- 9 from the board to do so;
- 10 (6) For any person, as principal or agent, to conduct or
- 11 engage in the business of preparing, manufacturing,
- 12 compounding, packing, or repacking any drug without
- 13 first obtaining a permit from the board to do so;
- 14 [and]
- 15 (7) For any out-of-state pharmacy or entity engaging in
- 16 the practice of pharmacy, in any manner to distribute,
- 17 ship, mail, or deliver prescription drugs or devices
- 18 into the State without first obtaining a permit from
- 19 the board; provided that the applicant shall:
- 20 (A) Provide the location, names, and titles of all
- 21 principal corporate officers;



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- 1 (B) Attest that the applicant or any personnel of the
- 2 applicant has not been found in violation of any
- 3 state or federal drug laws, including the illegal
- 4 use of drugs or improper distribution of drugs;
- 5 (C) Submit verification of a valid unexpired license,
- 6 permit, or registration in good standing to
- 7 conduct the pharmacy in compliance with the laws
- 8 of the home state and agree to maintain in good
- 9 standing the license, permit, or registration;
- 10 and
- 11 (D) Have in its employ a registered pharmacist whose
- 12 registration is current and in good standing[-];
- 13 (8) For any person to operate as an outsourcing facility
- 14 in the State without maintaining a physical
- 15 compounding facility in the State and obtaining a
- 16 permit from the board to do so; and
- 17 (9) For any person that operates an outsourcing facility
- 18 to provide medications to healthcare providers in the
- 19 State without first obtaining a permit from the board
- 20 to do so."



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

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

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

7

INTRODUCED BY: _____

Cindy Evans

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 Pritchard*

[Signature]

JAN 20 2017



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Report Title:

Outsourcing Facility; Pharmacy

Description:

Requires outsourcing facilities to obtain a permit from the Board of Pharmacy before providing medications to healthcare providers.

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