
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 prescribers of
2 controlled substances, including doctors, dentists, surgeons,
3 and podiatrists, are required to register with the state
4 electronic prescription accountability system and are required
5 to report information relevant to the dispensation of any
6 controlled substance before any controlled substance may be
7 dispensed. Prescribers are also permitted to view prescription
8 data of their own patients. However, prescribers are currently
9 not required to consult the state electronic prescription
10 accountability system before prescribing a controlled substance.

11 The legislature further finds that drug overdose rates have
12 increased catastrophically in Hawaii, increasing by eighty-three
13 per cent from 2006 to 2014. Thirty-five per cent of all drug
14 overdose deaths between 2010 and 2014 were caused by
15 prescription opioids alone.

16 The purpose of this Act is to reduce the access of the
17 public to potentially addictive substances by requiring



1 prescribers to consult the state electronic prescription
2 accountability system before issuing a prescription for certain
3 controlled substances.

4 SECTION 2. Chapter 329, Hawaii Revised Statutes, is
5 amended by adding a new section to part III to be appropriately
6 designated and to read as follows:

7 "§329- Prescriptions; additional restrictions. (a) The
8 prescription restrictions in this section shall apply in
9 addition to the restrictions described in section 329-38.

10 (b) No prescriber shall prescribe a schedule II, III, or
11 IV controlled substance for a duration of seven days or more
12 without first requesting, receiving, and considering records of
13 the ultimate user from the state electronic prescription
14 accountability system as needed to reduce the risk of abuse of
15 or addiction to a controlled substance, as needed to avoid
16 harmful drug interactions, or as otherwise medically necessary;
17 provided that this subsection shall not apply to:

18 (1) Any prescription that is made in an emergency
19 situation, by an emergency medical provider, or in an
20 emergency room;



1 (2) Any prescription written while the state electronic
2 prescription accountability system is nonfunctional;

3 (3) Any prescription for post-surgical care; provided that
4 the patient who is prescribed a prescription for a
5 duration of seven days or more shall be informed of
6 the risks and harms of opioid addiction; and

7 (4) Any prescription for the continuous or prolonged
8 treatment of any ultimate user; provided that the
9 prescriber shall request, receive, and consider the
10 ultimate user's records from the state electronic
11 prescription accountability system not less than once
12 every six months.

13 (c) The administrator of the state electronic prescription
14 accountability system shall promptly disclose only the requested
15 data to the requesting prescriber or the requesting prescriber's
16 delegate. Disclosure as required under this section is
17 permissible under the duty of confidentiality imposed by section
18 329-104. To the extent that this section conflicts with other
19 state confidentiality and disclosure laws, this section shall
20 prevail.



1 (d) A violation of this section shall not be subject to
2 the penalty provisions of part IV of chapter 329; provided that
3 a violation of this section may result in disciplinary action
4 under sections 448-17, 453-8, 457-12, or 471-10."

5 SECTION 3. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so much
7 thereof as may be necessary for fiscal year 2018-2019 to improve
8 the functionality and reliability of the electronic prescription
9 accountability system.

10 The sum appropriated shall be expended by the department of
11 public safety for the purposes of this Act.

12 SECTION 4. New statutory material is underscored.

13 SECTION 5. This Act shall take effect on July 1, 2050, and
14 shall be repealed on June 30, 2023.



Report Title:

Electronic Prescription Accountability System; Prescription
Drugs

Description:

Requires prescribers of certain controlled substances to consult the electronic prescription accountability system before issuing a prescription for the controlled substance. Provides exemptions for certain circumstances. Provides that a violation by a prescriber shall not be subject to criminal penalty provisions but that a violation may be grounds for professional discipline pursuant to sections 448-17, 453-8, 457-12, and 471-10 Hawaii Revised Statutes. (SB2646 HD2)

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

