

STAND. COM. REP. NO. 402

Honolulu, Hawaii

FEB 16 2023

RE: S.B. No. 473
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 473 entitled:

"A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY,"

begs leave to report as follows:

The purpose and intent of this measure is to exempt drug manufacturers, wholesale prescription drug distributors, and third-party logistics providers of home dialysis drugs, supplies, and devices from the license, registration, and permit requirements for pharmacies; provided that certain conditions are met.

Your Committee received testimony in support of this measure from Liberty Dialysis-Hawaii, LLC; National Kidney Foundation of Hawai'i; and two individuals. Your Committee received comments on this measure from the Board of Pharmacy.

Your Committee finds that many experts agree that home dialysis is the best option for treating kidney failure whenever possible, due to its greater scheduling flexibility, fewer food restrictions, and better outcomes. Your Committee also finds that various types of drugs and medical devices need to be regularly delivered to a patient's home for them to perform home dialysis. Your Committee believes that due to its isolated location, it is crucial for the State to have a supply chain with sufficient and immediate inventory within the State to ensure that home dialysis



patients receive needed drugs, medical devices and other supplies. This measure will enable qualified, licensed logistics and distribution companies in the State to maintain an inventory of home dialysis drugs and devices, ensuring immediate and consistent access to home dialysis drugs and devices in Hawaii.

Your Committee acknowledges multiple concerns raised in testimony that despite there being two types of home dialysis, i.e., peritoneal dialysis and hemodialysis dialysis, this measure only covers dialysate drugs or devices necessary to perform peritoneal dialysis. Accordingly, an amendment to this measure is necessary to address this concern.

Your Committee has amended this measure by:

- (1) Making the measure applicable to dialysate drugs and devices necessary to perform all types of home dialysis by deleting the term "peritoneal";
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 473, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 473, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



