
A BILL FOR AN ACT

RELATING TO PHARMACY.

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

1 SECTION 1. Chapter 461, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§461- Registered pharmacy technicians; certificate of
5 registration required. (a) Beginning January 1, 2026, no
6 person shall act as a pharmacy technician without first
7 obtaining a valid certificate of registration issued by the
8 board pursuant to this section.

9 (b) Each certificate of registration shall be valid
10 through December 31 of each odd-numbered year, upon which the
11 registration shall lapse and a new registration shall be
12 required.

13 (c) The registration fee for a pharmacy technician shall
14 be \$20.

15 (d) Beginning January 1, 2026, a pharmacy shall only
16 employ registered pharmacy technicians to perform pharmacy
17 technician duties. The pharmacist-in-charge shall verify that



1 the person is registered as a pharmacy technician and that the
2 board has issued a certificate of registration for the pharmacy
3 technician before the pharmacy technician performs any tasks
4 identified in this chapter or rules adopted pursuant to this
5 chapter. The supervising registered pharmacist shall be
6 responsible for the actions of the registered pharmacy
7 technician.

8 (e) The certificate of registration shall be prominently
9 displayed in an area accessible to the public in the workplace
10 where the registered pharmacy technician is employed or
11 practices.

12 (f) If the registered pharmacy technician is suspected to
13 have violated any law or rule regarding the practice of
14 pharmacy, legend drugs, or controlled substances or if there is
15 evidence that a registered pharmacy technician may have violated
16 any of these laws or rules, the pharmacist-in-charge shall
17 notify the board, in writing, within ten days or, if any danger
18 to the public health or safety exists, immediately. Any
19 registered pharmacist, whether or not practicing in the same
20 pharmacy, who has knowledge or suspicion of another registered
21 pharmacy technician in violation of any law or rule regarding



1 the practice of pharmacy, legend drugs, or controlled substances
2 shall notify the board, in writing, within ten days or, if any
3 danger to the public health or safety exists, immediately."

4 SECTION 2. Section 461-1, Hawaii Revised Statutes, is
5 amended by adding three new definitions to be appropriately
6 inserted and to read as follows:

7 "Auxiliary pharmacy personnel" means a person who works in
8 a pharmacy assisting a registered pharmacist or registered
9 pharmacy technician and who may perform the following:

10 (1) Retrieval tasks, such as retrieving prescriptions or
11 files;

12 (2) Clerical tasks, such as data entry, typing labels, and
13 maintaining patient profiles;

14 (3) Tasks such as selling prescriptions, telephoning,
15 filing, and typing;

16 (4) Accounting tasks, such as recordkeeping, maintaining
17 accounts receivables, third-party billing, and
18 posting;

19 (5) Inventory control tasks, such as monitoring, pricing,
20 dating, invoicing, stocking pharmacy, and preparing
21 purchase orders; and



1 (6) Custodial tasks, such as helping maintain a clean and
2 orderly pharmacy.

3 "Registered pharmacy technician" means a person, exclusive
4 of pharmacy interns and auxiliary pharmacy personnel, registered
5 with the board pursuant to section 461- , who may, in addition
6 to the tasks of an auxiliary pharmacy personnel, perform
7 filling, packaging, manipulative, repetitive, or other
8 nondiscretionary tasks, and tasks specified in section 461-11.4,
9 only while assisting and while under the supervision and control
10 of a registered pharmacist.

11 "Supervision" means the direction and oversight of a
12 registered pharmacy technician or pharmacy intern by a
13 responsible registered pharmacist at all times when the
14 registered pharmacy technician or pharmacy intern performs acts
15 specified in this chapter or rules adopted pursuant to this
16 chapter."

17 SECTION 3. Section 461-4.5, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) In addition to any other powers and duties authorized
20 by law, the board:



- 1 (1) Shall adopt, amend, and repeal rules pursuant to
2 chapter 91, as it deems proper for the purposes of
3 this chapter, Public Law 100-293, and title 21 Code of
4 Federal Regulations part 205;
- 5 (2) Shall examine, license, reinstate, and renew the
6 licenses of qualified applicants for registered
7 pharmacists and wholesale prescription drug
8 distributors~~[7]~~; issue certificates of registration
9 for registered pharmacy technicians; and issue and
10 renew permits to operate pharmacies;
- 11 (3) May require the inspection of any wholesale
12 prescription drug distributor premises in the State to
13 ensure compliance with this chapter and rules adopted
14 under this chapter, or may require an applicant for a
15 pharmacy license to submit a statement that the
16 premises, including but not limited to security and
17 sanitation, are in conformance with the board's
18 requirements and that the applicant possesses the
19 reference materials and technical clinical equipment
20 and supplies as may be specified in rules adopted
21 under this chapter;



- 1 (4) May fine, suspend, or revoke any license,
2 registration, or permit for any cause prescribed by
3 this chapter, or for any violation of the rules
4 adopted under this chapter, and refuse to grant or
5 renew any license, registration, or permit for any
6 cause which would be ground for revocation or
7 suspension of a license, registration, or permit;
- 8 (5) May deny a license to any applicant who has been
9 disciplined by another state or federal agency.
10 Notwithstanding any law to the contrary, a final order
11 of disciplinary action taken pursuant to this
12 paragraph shall be a matter of public record; and
- 13 (6) May approve pilot and demonstration research projects
14 for innovative applications in the practice of
15 pharmacy; provided that the projects shall not include
16 therapeutic substitution or substitution of a medical
17 device used in patient care; provided further that
18 nothing in this paragraph shall be construed to expand
19 the definition of "practice of pharmacy" [~~as defined~~]
20 under section 461-1. The board may also:



1 (A) Approve a provision that grants an exception to
2 any rule adopted under this paragraph;

3 (B) Extend the time an exception to a rule is
4 granted, as may be necessary for the board to
5 adopt an amendment or modification to the rule;

6 (C) Condition approval of a project upon compliance
7 with this section and any rules adopted under
8 this section; and

9 (D) Rescind approval and terminate a project if, at
10 any time, a project fails to protect public
11 health or welfare."

12 SECTION 4. Section 461-5, Hawaii Revised Statutes, is
13 amended by amending its title to read as follows:

14 "\$461-5 [Qualifications] Registered pharmacists;
15 qualifications for license."

16 SECTION 5. Section 461-8, Hawaii Revised Statutes, is
17 amended by amending subsections (a) and (b) to read as follows:

18 "(a) All licenses and permits issued by the board, except
19 temporary licenses issued under section 461-7, shall be renewed
20 biennially on or before December 31 of each odd-numbered year.

21 Failure to pay the biennial fee and [~~beginning with the renewal~~



1 ~~for the licensing biennium commencing on January 1, 2008,~~ to
 2 satisfy the continuing education requirement on or before
 3 December 31 of each odd-numbered year, shall constitute a
 4 forfeiture of the license as of the date of expiration. Failure
 5 to pay the biennial fee on or before December 31 of each
 6 odd-numbered year shall constitute a forfeiture of the permit as
 7 of the date of expiration.

8 (b) Any license or permit forfeited pursuant to subsection
 9 (a) may be restored within three years upon payment of any
 10 penalty fee, the current biennial fees, and the renewal fee for
 11 the next biennium, if applicable, upon submission of proof of
 12 compliance with the continuing education requirement for the
 13 prior biennium, and upon meeting any other requirements
 14 specified in rules adopted pursuant to chapter 91."

15 SECTION 6. Section 461-9, Hawaii Revised Statutes, is
 16 amended by amending subsections (b) and (c) to read as follows:

17 "(b) No person shall practice as a pharmacy intern without
 18 having first obtained a permit from the board. The board shall
 19 adopt rules pursuant to chapter 91 defining the functions of a
 20 pharmacy intern, establishing the requirements to be met by an
 21 applicant for a pharmacy intern permit, and specifying the



1 duration of the permit and the procedures for the immediate
2 supervision of the pharmacy intern by a registered
3 pharmacist[-]; provided that the supervising registered
4 pharmacist shall supervise the actions of the pharmacy intern.

5 (c) A registered pharmacy technician may be employed to
6 ~~[assist the]~~ perform filling, packaging, manipulative,
7 repetitive, or other nondiscretionary tasks, and tasks specified
8 in section 461-11.4, only while assisting and while under the
9 supervision and control of a registered pharmacist and under
10 rules adopted by the board pursuant to chapter 91 ~~[that define~~
11 ~~the qualifications and functions of the pharmacy technician and~~
12 ~~provide the procedures for control and supervision by a~~
13 ~~registered pharmacist]."~~

14 SECTION 7. Section 461-11.4, Hawaii Revised Statutes, is
15 amended by amending subsections (a) through (d) to read as
16 follows:

17 "(a) A pharmacist, pharmacy intern, or registered pharmacy
18 technician under the direct supervision of a registered
19 pharmacist may administer a vaccine to a person three years of
20 age or older; provided that:



- 1 (1) The vaccine is authorized or approved by the United
2 States Food and Drug Administration;
- 3 (2) The vaccine has been ordered by a registered
4 pharmacist and administered in accordance with the
5 recommendations of the Advisory Committee on
6 Immunization Practices of the United States Department
7 of Health and Human Services;
- 8 (3) The pharmacy intern has completed a practical training
9 program approved by the Accreditation Council for
10 Pharmacy Education that includes hands-on injection
11 technique, clinical evaluation of indications and
12 contraindications of vaccines, and the recognition and
13 treatment of emergency responses to vaccines;
- 14 (4) The registered pharmacy technician has completed a
15 practical training program approved by the
16 Accreditation Council for Pharmacy Education that
17 includes hands-on injection technique;
- 18 (5) The registered pharmacy technician has a Certified
19 Pharmacy Technician certification from either the
20 Pharmacy Technician Certification Board or National
21 Healthcareer Association;



- 1 (6) The registered pharmacist, pharmacy intern, or
2 registered pharmacy technician has a current
3 certificate in basic cardiopulmonary resuscitation;
- 4 (7) The registered pharmacist or registered pharmacy
5 technician has completed a minimum of two credit hours
6 in immunization-related continuing education courses
7 during each licensing biennium;
- 8 (8) The registered pharmacist is in compliance with all
9 applicable recordkeeping and reporting requirements,
10 including complying with adverse events reporting
11 requirements;
- 12 (9) The registered pharmacist, pharmacy intern, or
13 registered pharmacy technician has reviewed the
14 patient's vaccination records before administering the
15 vaccine;
- 16 (10) The registered pharmacist has informed the patient and
17 the patient's primary guardian or caregiver of the
18 importance of a well-child visit with a pediatrician
19 or other licensed primary care provider and has
20 referred the patient as appropriate; and



1 (11) Where a prescription has been ordered by a person
2 other than the registered pharmacist, the registered
3 pharmacist, pharmacy intern, or registered pharmacy
4 technician shall verify that the prescriber or the
5 prescriber's authorized agent is the patient's medical
6 home.

7 (b) After the vaccination is administered, the registered
8 pharmacist, pharmacy intern, or registered pharmacy technician
9 under the direct supervision of a registered pharmacist shall
10 immediately provide to the patient a vaccination record
11 including the following information:

- 12 (1) The patient's name and date of birth;
13 (2) The type of vaccine administered; and
14 (3) The date and location that the vaccine was
15 administered.

16 (c) The registered pharmacist, pharmacy intern, or
17 registered pharmacy technician under the direct supervision of a
18 registered pharmacist shall make a good faith effort to provide
19 within seventy-two hours to the medical home and within five
20 business days to the department of health immunization registry



1 the same information provided to the patient pursuant to
2 subsection (b) as well as the following:

3 (1) The name of the vaccine product that was administered,
4 including the manufacturer, lot number, and expiration
5 date;

6 (2) The method of administration; and

7 (3) The anatomical site of administration.

8 (d) All pharmacy interns or registered pharmacy
9 technicians who administer vaccines to persons three years of
10 age or older shall complete the training program required by
11 subsection (a) and submit the completion certificate for the
12 training program to the board before administering any vaccine
13 to persons three years of age or older."

14 SECTION 8. Section 461-21, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§461-21 Disciplinary action.** (a) In addition to any
17 other actions authorized by law, the board may deny, revoke, or
18 suspend any license, registration, or permit applied for or
19 issued by the board, in accordance with this chapter, and fine
20 or otherwise discipline a licensee, registrant, or permit holder



1 for any cause authorized by law, including but not limited to
2 the following:

- 3 (1) Procuring a license or registration through fraud,
4 misrepresentation, or deceit;
- 5 (2) Professional misconduct, gross carelessness, or
6 manifest incapacity;
- 7 (3) Permitting an unlicensed or unregistered person to
8 perform activities that require a license or
9 registration under this chapter;
- 10 (4) Violation of any of the provisions of this chapter or
11 the rules adopted pursuant [~~thereto;~~] to this chapter;
- 12 (5) Violation of any [~~state or~~] federal or state drug,
13 controlled substance, or poison law;
- 14 (6) False, fraudulent, or deceptive advertising;
- 15 (7) Any other conduct constituting fraudulent or dishonest
16 dealings;
- 17 (8) Failure to comply with a board order;
- 18 (9) Making a false statement on any document submitted or
19 required to be filed by this chapter, including a
20 false certification of compliance with the continuing
21 education requirement;



1 (10) Habitual intemperance or addiction to the use of
2 habit-forming drugs;

3 (11) Administering a vaccine, including a human
4 papillomavirus, Tdap (tetanus, diphtheria, pertussis),
5 meningococcal, or influenza vaccine, without complying
6 with section 461-11.4; or

7 (12) Prescribing or dispensing contraceptive supplies
8 without complying with section 461-11.6.

9 (b) Any person who violates any of the provisions of this
10 chapter or the rules adopted pursuant [~~thereto~~] to this chapter
11 shall be fined [~~not~~] no less than \$100 [~~not~~] and no more than
12 \$1,000 for each violation.

13 (c) All proceedings for denial, suspension, fine, or
14 revocation of a license, registration, or permit on any grounds
15 specified in subsection (a) shall be conducted pursuant to
16 chapter 91, including the right of judicial review."

17 SECTION 9. Section 26H-6, Hawaii Revised Statutes, shall
18 not apply to this Act.

19 SECTION 10. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 11. This Act shall take effect on December 31,
2 2050.



Report Title:

Board of Pharmacy; Registered Pharmacy Technicians; Certificate of Registration; Pharmacists-in-charge; Supervision

Description:

Beginning 1/1/2026, requires pharmacy technicians to be registered with and obtain a certificate of registration from the Board of Pharmacy. Imposes a duty on pharmacists-in-charge to report violations conducted by registered pharmacy technicians. Specifies that supervising registered pharmacists are responsible for the actions of registered pharmacy technicians and pharmacy interns. Effective 12/31/2050. (SD1)

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

