

JAN 21 2026

A BILL FOR AN ACT

RELATING TO MEDICATION LABELING.

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

SECTION 1. Section 328-16, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (a) to (c) to read:

"(a) A prescription drug shall be dispensed only if its label bears the following:

(1) ~~[The]~~ Except as otherwise authorized for medication abortion care in section 453-16 or 457-8.7, the name, business address, and telephone number of the seller.

The business address shall be the physical location of the pharmacy or the dispensing practitioner's office;

(2) Except as otherwise authorized for ~~[expedited]~~:

(A) Expedited partner therapy in section 453-52 ~~[or an]~~;

(B) An opioid antagonist in section 461-11.8~~[r]~~; or

(C) Medication abortion care in section 453-16 or 457-8.7,



1 the name of the person for whom the drug was
2 prescribed or the name of the owner of the animal for
3 which the drug was prescribed;

4 (3) The serial number of the prescription;

5 (4) The date the prescription was prepared;

6 (5) ~~[The]~~ Except as otherwise authorized for medication
7 abortion care in section 453-16 or 457-8.7, the name
8 of the practitioner if the seller is not the
9 practitioner;

10 (6) The name, strength, and quantity of the drug;

11 (7) The "use by" date for the drug, which shall be:

12 (A) The expiration date on the manufacturer's
13 container; or

14 (B) One year from the date the drug is dispensed,
15 whichever is earlier;

16 (8) The number of refills available, if any;

17 (9) In the case of the dispensing of an equivalent generic
18 drug product, the statement "same as (brand name of
19 the drug product prescribed or the referenced listed
20 drug name)", or words of similar meaning;



1 (10) In the case of the dispensing of an interchangeable
2 biological product, the statement "interchangeable
3 with (brand name of the biological product prescribed
4 or the referenced biological drug name)", or words of
5 similar meaning; and

6 (11) Specific directions for the drug's use; provided that
7 if the specific directions for use are too lengthy for
8 inclusion on the label, the notation "take according
9 to written instructions" may be used if separate
10 written instructions for use are actually issued with
11 the drug by the practitioner or the pharmacist, but in
12 no event shall the notation "take as directed",
13 referring to oral instructions, be considered
14 acceptable.

15 If any prescription for a drug does not indicate the number of
16 times it may be refilled, if any, the pharmacist shall not
17 refill that prescription unless subsequently authorized to do so
18 by the practitioner or pursuant to section 461-11.9. The act of
19 dispensing a prescription drug other than a professional sample
20 or medical oxygen contrary to this subsection shall be deemed to



1 be an act that results in a drug being misbranded while held for
2 sale.

3 (b) In addition to the requirements enumerated in
4 subsection (a), a prescription drug shall be dispensed only:

5 (1) By a pharmacist pursuant to a valid prescription or
6 section 453-52, 461-1, 461-11.8, or 461-11.9;

7 (2) By a medical oxygen distributor pursuant to a
8 prescription or certificate of medical necessity;
9 provided that the drug to be dispensed is medical
10 oxygen; or

11 (3) By a practitioner to an ultimate user; provided that:

12 (A) Except as otherwise authorized for expedited
13 partner therapy in section 453-52, the
14 practitioner shall inform the patient, before
15 dispensing any drug other than a professional
16 sample, that the patient may have a written,
17 orally ordered, or electronically transmitted or
18 conveyed prescription directed to a pharmacy or a
19 medical oxygen distributor of the patient's own
20 choice;



(B) The practitioner shall promptly record in the practitioner's records:

(i) The prescription in full;

(ii) The name, strength, and quantity of the drug, and specific directions for the drug's use;

(iii) The date the drug was dispensed;

(iv) Except as otherwise authorized for expedited partner therapy in section 453-52 or for an opioid antagonist in section 461-11.8, the name and address of the person for whom the drug was prescribed or the name of the owner of the animal for which the drug was prescribed; and

(v) Prescription drugs dispensed or prescribed for expedited partner therapy as authorized under section 453-52 or for an opioid antagonist in section 461-11.8;

(C) The records described in subparagraph (B) shall be subject to the inspection of the department or its agents at all times; provided that the



1 inspection of records for medication abortion
2 care shall require a subpoena issued by a court
3 of competent jurisdiction; and

4 (D) No undisclosed rebate, refund, commission,
5 preference, discount, or other consideration,
6 whether in the form of money or otherwise, has
7 been offered to the practitioner as compensation
8 or inducement to dispense or prescribe any
9 specific drug in preference to other drugs that
10 might be used for the identical therapeutic
11 indication.

12 (c) A prescription may be communicated in writing, orally,
13 or by electronic transmission, and shall include the following
14 information:

15 (1) The authorization of the practitioner noted as
16 follows:

17 (A) Written prescriptions shall include the original
18 signature of the practitioner;

19 (B) Oral prescriptions shall be promptly recorded by
20 the pharmacist or medical oxygen distributor and



1 shall include the practitioner's oral code
2 designation; and

3 (C) Electronic prescriptions shall be irrefutably
4 traceable to the prescribing practitioner by a
5 recognizable and unique practitioner identifier
6 such as:

7 (i) A bitmap or graphic image of the
8 prescriber's handwritten signature and the
9 prescriber's oral code designation (or
10 license number or other identifier if the
11 prescriber is an out-of-state practitioner);

12 (ii) An electronic signature;

13 (iii) A digital signature; or

14 (iv) By other means as approved by the director;

15 (2) The date of issuance;

16 (3) The practitioner's name, business telephone number,
17 and business address, unless the practitioner is
18 otherwise uniquely identified and the pharmacy or
19 medical oxygen distributor dispensing the prescription
20 has the prescriber's contact information on file
21 accessible within the dispensing area;



- 1 (4) The name, strength, and quantity of the drug to be
2 dispensed, and specific directions for the drug's use;
3 (5) Except as otherwise authorized for expedited partner
4 therapy in section 453-52 or for an opioid antagonist
5 in section 461-11.8, the name and address of the
6 person for whom the prescription was written or the
7 name of the owner of the animal for which the drug was
8 prescribed, unless the pharmacy or medical oxygen
9 distributor dispensing the prescription has the
10 address on file accessible within the dispensing area;
11 (6) The room number and route of administration, if the
12 patient is in an institutional facility; ~~and~~
13 (7) The number of allowable refills, if the prescription
14 is refillable. If the number of refills authorized by
15 the practitioner is indicated using the terms "as
16 needed" or "prn", the prescription may be refilled up
17 to twelve months from the date the original
18 prescription was written. After the twelve-month
19 period, the "as needed" or "prn" prescription may be
20 refilled for a subsequent three-month period;
21 provided:



(A) The prescription is refilled only once during the three-month period;

(B) The refill does not exceed a thirty-day supply of the drug;

(C) The refill does not provide any amount of the drug fifteen months beyond the date the original prescription was written;

(D) In the case of medical oxygen, the duration of therapy indicated on a certificate of medical necessity shall supersede any limitations or restrictions on refilling; and

(E) Subparagraphs (A) to (D) shall apply only to pharmacies and medical oxygen distributors practicing in the State[~~+~~]; and

(8) In the case of medication abortion care, if the pregnant person has elected to have an anonymous prescription label under section 453-16(c) or 457-8.7(c)."

2. By amending subsection (e) to read:

"(e) Prescription information may be transferred between pharmacies, between a pharmacy and a medical oxygen distributor,



1 and between medical oxygen distributors for dispensing purposes;
2 provided that:

3 (1) Medical oxygen distributors may communicate or receive
4 prescription information related only to the
5 dispensing of medical oxygen;

6 (2) The prescription information includes all elements of
7 subsection (c)(2) to ~~[(7)]~~ (8) and the following:

8 (A) Authentication of the transmitting pharmacy or
9 medical oxygen distributor who is providing the
10 prescription information including the following:

11 (i) The name of the pharmacist or medical oxygen
12 distributor providing the information;

13 (ii) The name, telephone number, and address or
14 location of the pharmacy or medical oxygen
15 distributor firm providing the information;
16 and

17 (iii) The serial number, prescription number,
18 control number, or other unique identifier
19 of the prescription record from which the
20 information was transferred;

21 (B) The date the original prescription was issued;



1 (C) The date of the last refill; and

2 (D) The number of refills remaining."

3 SECTION 2. Section 453-16, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§453-16 Intentional termination of pregnancy; refusal to**
6 **perform.** (a) A licensed physician or surgeon or licensed
7 osteopathic physician and surgeon may provide abortion care. A
8 licensed physician assistant may provide medication or
9 aspiration abortion care in the first trimester of pregnancy.

10 (b) The State shall not deny or interfere with a pregnant
11 person's right to choose to:

12 (1) Obtain an abortion; or

13 (2) Terminate a pregnancy if the termination is necessary
14 to protect the life or health of the pregnant person.

15 (c) If the pregnant person elects to have an anonymous
16 prescription label, any medication abortion care prescribed
17 under this section shall be dispensed with a label under section
18 328-16 bearing:

19 (1) "Medication Abortion Care" instead of the name of the
20 person for whom the drug was prescribed;

21 (2) "Seller Name" instead of the name of the seller;



- 1 (3) "Business Address" instead of the business address of
2 the seller;
3 (4) "000-000-0000" or a comparable indication instead of
4 the telephone number of the seller; and
5 (5) "Practitioner Name" if the seller is not the
6 practitioner.

7 ~~[(+e)]~~ (d) Nothing in this section shall require any
8 hospital or any person to participate in an abortion nor shall
9 any hospital or any person be liable for a refusal.

10 ~~[(+d)]~~ (e) For purposes of this section:

11 "Abortion" means an intentional termination of the
12 pregnancy of a nonviable fetus.

13 "Nonviable fetus" means a fetus that does not have a
14 reasonable likelihood of sustained survival outside of the
15 uterus."

16 SECTION 3. Section 457-8.7, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§457-8.7 Advanced practice registered nurses; abortions**
19 **by medication or aspiration; refusal to perform. (a)**

20 Notwithstanding section 453-16 or any other law to the contrary,
21 an advanced practice registered nurse may provide medication or



1 aspiration abortion care in the first trimester of pregnancy, so
2 long as the advanced practice registered nurse:

3 (1) Has prescriptive authority;

4 (2) Practices within the advanced practice registered
5 nurse's practice specialty; and

6 (3) Has a valid, unencumbered license obtained in
7 accordance with this chapter.

8 (b) The State shall not deny or interfere with a pregnant
9 person's right to choose to:

10 (1) Obtain an abortion; or

11 (2) Terminate a pregnancy if the termination is necessary
12 to protect the life or health of the pregnant person.

13 (c) If the pregnant person elects to have an anonymous
14 prescription label, any medication abortion care prescribed
15 under this section shall be dispensed with a label under
16 section 328-16 bearing:

17 (1) "Medication Abortion Care" instead of the name of the
18 person for whom the drug was prescribed;

19 (2) "Seller Name" instead of the name of the seller;

20 (3) "Business Address" instead of the business address of
21 the seller;



1 (4) "000-000-0000" or a comparable indication instead of
2 the telephone number of the seller; and
3 (5) "Practitioner Name" if the seller is not the
4 practitioner.

5 [~~(e)~~] (d) Nothing in this section shall require any
6 hospital or any person to participate in an abortion, nor shall
7 any hospital or any person be liable for a refusal.

8 [~~(d)~~] (e) For purposes of this section, "abortion" and
9 "nonviable fetus" shall have the same meaning as defined in
10 section 453-16."

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

13 SECTION 5. This Act shall take effect on January 1, 2027.

14
INTRODUCED BY: _____

[Signature]



S.B. NO. 2038

Report Title:

Abortion; Mifepristone; Medication; Pharmacy; Prescription;
Health

Description:

Authorizes certain pregnant persons to receive abortion medication with a label that does not bear their name and other identifying information.

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