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## 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 allowing for  
2 meaningful choice in how consumers access prescription  
3 medication has numerous benefits, including cost savings,  
4 convenience, and improved medication adherence.

5 As Hawaii residents continue to face economic hardship, the  
6 legislature finds that there is an obligation to explore all  
7 opportunities for cost savings, especially those that do not  
8 compromise quality or access to care. Mail-order pharmacies can  
9 reduce copayments by thirty-three per cent, improve adherence to  
10 maintenance medications, and help address retail shortages that  
11 often force patients to pay for higher-cost brand-name drugs or  
12 visit multiple locations. These savings also extend to employer  
13 groups that pay a significant share of health plan premiums  
14 under the Prepaid Health Care Act.

15 With evolving technology, these potential cost savings and  
16 conveniences can be passed on to consumers while preserving  
17 their ability to choose how they receive their medications. By



1 expanding access to use of mail order pharmacies, the State will  
2 be better able to improve access, lower prescription drug costs,  
3 and support better health outcomes.

4 Accordingly, the purpose of this Act is to repeal certain  
5 prohibitions on the imposition of fees, conditions, or  
6 requirements on community retail pharmacies that are not imposed  
7 on mail order pharmacies.

8 SECTION 2. Section 431R-3, Hawaii Revised Statutes, is  
9 amended by amending subsection (b) to read as follows:

10 " (b) A prescription drug benefit plan, health benefits  
11 plan under chapter 87A, or pharmacy benefit manager who has  
12 entered into a contractual retail pharmacy network agreement  
13 with a retail community pharmacy shall not:

14 (1) Require a beneficiary to exclusively obtain any  
15 prescription from a mail order pharmacy;

16 [ (2) ~~Impose upon a beneficiary utilizing the retail~~  
17 ~~community pharmacy a copayment, fee, or other~~  
18 ~~condition not imposed upon beneficiaries electing to~~  
19 ~~utilize a mail order pharmacy;~~ ]

20 (3) ~~Subject any prescription dispensed by a retail~~  
21 ~~community pharmacy to a beneficiary to a minimum of~~



maximum quantity limit, length of script, restriction on refills, or requirement to obtain refills not imposed upon a mail order pharmacy;

(4) ~~Require a beneficiary in whole or in part to pay for any prescription dispensed by a retail community pharmacy and seek reimbursement if the beneficiary is not required to pay for and seek reimbursement in the same manner for a prescription dispensed by a mail order pharmacy;~~

(5)] (2) Subject a beneficiary to any administrative requirement to use a retail community pharmacy that is not imposed upon the use of a mail order pharmacy; or

[+6-] (3) Impose any other term, condition, or requirement pertaining to the use of the services of a retail community pharmacy that materially and unreasonably interferes with or impairs the right of a beneficiary to obtain prescriptions from a retail community pharmacy of the beneficiary's choice."

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



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

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

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INTRODUCED BY:

Greg Tulyn

JAN 14 2026



# H.B. NO. 1539

**Report Title:**

Mail Order Pharmacies; Community Retail Pharmacies; Prohibitions

**Description:**

Repeals certain prohibitions on the imposition of fees, conditions, or requirements on community retail pharmacies that are not imposed on mail order pharmacies.

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