

ACT 15

A Bill for an Act Relating to the Authority of Podiatrists to Write Drug Prescriptions and of Pharmacists to Fill Such Prescriptions.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11, Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

The provisions of chapter 51 (food, drug and cosmetics) and chapter 71 (pharmacists and pharmacy), Revised Laws of Hawaii 1955, as amended, do not authorize podiatrists to prescribe prescription drugs. However, it has recently come to the attention of the department of health that podiatrists in Hawaii have been prescribing these drugs for many years in ignorance of the fact that they were not so authorized by law. The podiatrists state that the prescribing of such drugs is a necessary and vital part of their professional practice.

The department of the attorney general has recently advised that existing laws do not authorize podiatrists to prescribe prescription drugs, thus causing such activity to cease.

In 1959 the legislature authorized podiatrists to prescribe narcotic drugs (Act 71, Session Laws of Hawaii 1959), but failed to extend this authority to non-narcotic prescription drugs. The department of health, after a study of the facts involved, feels that within the course of their professional practice only [which is regulated pursuant to the authority granted in section 46-15, Revised Laws of Hawaii 1955, as amended], the podiatric profession appears to be well qualified by training to prescribe prescription as well as narcotic drugs.

The amendments to the pertinent sections of the law as enumerated below will remedy the unnecessary restriction and hardship placed on the podiatrists and authorize podiatrists to function to the full capabilities of their profession in serving the public.

SECTION 2. Chapter 51 of the Revised Laws of Hawaii 1955 is hereby amended by inserting the word "podiatric" between the words "osteopathic" and "dental" wherever the phrase "medical, osteopathic, dental or veterinary profession" appears in said chapter.

SECTION 3. Section 51-15, Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

(a) By redesignating subsection "l" as subsection "m";

(b) By adding thereto a new subsection to be designated "(1)" to read as follows:

"(1) Unless it is sold on the written or oral prescription of a member of the medical, osteopathic, podiatric, dental or veterinary profession in the course of such member's professional practice only."

SECTION 4. Section 71-1(e), Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"(e) Prescription. 'Prescription' means and includes an order or formula issued by a licensed practitioner of medicine, osteopathy, podiatry, dentistry or veterinary medicine, for the compounding or dispensing of drugs."

SECTION 5. Section 71-19, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"**Application of Law.** This chapter shall not apply to any legally licensed practitioner of medicine, osteopathy, dentistry or veterinary medicine when he is handling drugs in the course of his professional duties or prohibit such practitioner or a podiatrist from personally supplying his own patients with such remedies as he may desire within the course of his professional practice only."

SECTION 6. This Act shall take effect upon its approval.

(Approved April 20, 1964.) **S.B. 35.**
