ACT 87 S.B. NO. 2144-82

A Bill for an Act Relating to Drugs.

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

SECTION 1. Section 328-16, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) A drug intended for use by man which (1) is a habit-forming drug to which section 328-15(4) applies; or (2) because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer the drug; or (3) is limited by an approved application under section 505 of the Federal Act or section 328-17 to use under professional supervision of a practitioner licensed by law to administer the drug, shall be dispensed only (A) upon a written prescription of a practitioner licensed by law to administer the drug, or (B) upon an oral prescription of the practitioner, provided[,] the seller promptly records in his books the oral prescription in full, the kind, quantity of the drug, and directions for use, the date the oral prescription is received, the name of the seller, the name and code designation of the prescriber, and the name and address of the person for whom the drug is prescribed or the name of the owner of the animal for which the drug is prescribed, the department of health assigning such code designation to such subscriber, and such books being subject at all times to the inspection of the department or its agents, or (C) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, and (D) its label bears the name and place of business of the seller, the serial number and date of the prescription, the name of the practitioner, the name, strength, and quantity issued of the drug, the date the potency of the drug expires, if the date is available from the manufacturer or principal labeler, and the specific directions for use; provided that if the specific directions for use are too lengthy for inclusion on the label, the notation "take according to written instructions" may be used, if separate written instructions for use are actually issued with the drug, but in no event shall the notation "take as directed," referring to oral instructions, be considered acceptable. If any prescription for such drug does not indicate the times it may be refilled, if any, such prescription may not be refilled unless the pharmacist

is subsequently authorized to do so by the practitioner. The act of dispensing a drug contrary to this subsection shall be deemed to be an act which results in a drug being misbranded while held for sale."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 1982.

(Approved May 15, 1982.)