

ACT 223

H.B. NO. 235

A Bill for an Act Relating to Pharmacists and Pharmacy.

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

SECTION 1. Section 461-5, Hawaii Revised Statutes, is amended to read as follows:

**“§461-5 Qualifications for license.** (a) Any applicant for a license as a pharmacist shall [be at least eighteen years of age, of good moral character and temperate habits, and a graduate of a school or college of pharmacy or department of a university, which school or college or department is recognized and approved by the American Council of Pharmaceutical Education. He shall file proof satisfactory to the board of pharmacy of a minimum of one year of practical experience in any state of the United States in a pharmacy under the supervision of a registered pharmacist, and he shall pass an examination to be given by the board. Service and experience in a pharmacy under the supervision of a registered pharmacist as required in this section shall be predominantly related to the selling of drugs, compounding prescriptions, preparing pharma-

ceutical preparations, and keeping records and making reports required under state and federal statutes.] submit evidence to the board that the applicant:

- (1) Is at least eighteen years of age.
- (2) Holds a degree from a school or college of pharmacy or department in a university, which school or college or department is recognized and accredited by the American Council of Pharmaceutical Education.
- (3) Has a minimum of one year practical experience in any state of the United States in a pharmacy under the supervision of a registered pharmacist. Service and experience in a pharmacy under the supervision of a registered pharmacist as required in this section shall be predominantly related to the selling of drugs, compounding prescriptions, preparing pharmaceutical preparations, keeping records and making reports required under state and federal statutes. In the event an applicant has no practical experience as required, the applicant may take the examination and upon passing the examination, shall not receive a license until after the fulfillment of the practical experience requirement.
- (4) Has passed an examination as may be prescribed by the board.

(b) Any registered pharmacist of any state or territory of the United States who has practiced pharmacy there for two years or more shall be eligible to take the examination [if he is of good moral character and temperate habits.]; provided that the applicant submits evidence to the board that the applicant is certified or licensed, and in good standing to practice pharmacy in another state.

[In the event an applicant has no practical experience as required, he may take the examination and upon passing the same, he shall not receive his license until after the fulfillment of the practical experience required.]

(c) Any applicant who is a graduate of a school or college of pharmacy located outside the United States, whose school or college of pharmacy has not been recognized by the board as an accredited school but who is otherwise qualified to apply for a license to practice pharmacy in this State, may be deemed to have satisfied the requirement of section 461-5(a)(2) by verification to the board of the applicant's academic record and the applicant's graduation and by meeting other requirements as the board may establish from time to time. The board shall require the applicant to successfully pass an examination or examinations given or approved by the board to establish proficiency in English and equivalency of education of such applicant with qualified graduates of a school or college recognized by the board as a prerequisite to taking the licensure examination provided for in section 461-6."

SECTION 2. Section 461-7, Hawaii Revised Statutes, is amended to read as follows:

**"§461-7 Temporary license.** An applicant for examination who is a registered pharmacist as specified in section [461-5(2),] 461-5(b), may be granted a temporary license by the board [of pharmacy]; provided that the person shall first pass a preliminary examination with a grade of not less than seventy per cent covering state laws and public health rules relating to drugs, poisons, and devices used in the practice of pharmacy in the State. A temporary license shall not entitle the holder to a permanent license, and no permanent license shall be issued until the person has passed the regular examination set forth [under] in section 461-6. Only one temporary license shall be issued to the same applicant. A temporary license shall only remain in effect until the results of the next regular examination are announced; provided[,] that the board may extend any

temporary license, upon written application, for good and just cause. Any applicant who fails to take or to pass the next regular examination shall surrender the temporary license. The board shall receive a fee for the issuance of a temporary license."

SECTION 3. Section 461-9, Hawaii Revised Statutes, is amended to read as follows:

**"§461-9 Pharmacist in charge.** A registered pharmacist shall be in personal and immediate charge of every pharmacy. Temporary absences of the registered pharmacist shall be unlawful except for such periods of time and under such circumstances as authorized under the rules of the board of pharmacy. During any absence of the registered pharmacist, prescriptions may not be filled, compounded, or received by telephone and no drugs shall be sold; provided[,] that this shall not preclude the sale at such times of such things as might be sold were the pharmacy a store not subject to this chapter. No person other than a registered pharmacist or an assistant under his immediate supervision shall fill or compound prescriptions.

A pharmacy technician may be employed to assist the registered pharmacist under rules adopted by the board pursuant to chapter 91 that define the qualifications and functions of such pharmacy technician and provide the procedures for their control and supervision by registered pharmacists."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 4, 1985.)