ACT 174 H.B. NO. 1995-86

A Bill for an Act Relating to Drug Product Selection.

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

SECTION 1. Section 328-96, Hawaii Revised Statutes, is amended to read as follows:

"**§328-96 Drug formulary.** (a) The board shall adopt rules, pursuant to chapter 91, for the establishment and maintenance of a state drug formulary of equivalent drug products, and to effectuate the purpose of this part[.]; except that the board may, without regard to chapter 91, establish in the formulary equivalent drug products that the Commissioner of Food and Drugs, United States Food and Drug Administration, has approved as safe and effective and has determined to be therapeutically equivalent. The formulary shall list all drug

products that the Commissioner of Food and Drugs, United States Food and Drug Administration, has approved as safe and effective[,] and has determined to be therapeutically equivalent. The formulary may list additional drug products that are determined by the board to meet requirements adequate to assure product quality and therapeutic equivalence. The formulary may delete approved drugs upon a finding that product quality or therapeutic equivalency or bioequivalency, as appropriate, is not adequately assured.

(b) The formulary may be changed, added to, or deleted from as the board deems appropriate. Any person who requests that any change be made or that a generic name or brand name drug be included or added to or deleted from the formulary shall have the burden of proof to show cause why the change, inclusion, addition, or deletion should be made.

[(b)] (c) The board shall provide for revision or supplementation of the formulary as necessary but not less than annually. [The formulary shall be adopted by the board no later than January 1, 1981.]

[(c)] (d) The department of health shall provide for distribution of the formulary [and], revisions, and supplements to all dispensers and prescribers licensed and practicing in this State and to other appropriate individuals. The department of health may establish fees to be charged to persons who receive the formulary [and], revisions[.], and supplements. The amounts of the fees charged for the formulary [and], revisions, and supplements shall be approximately the same as the costs of producing and distributing the formulary [and], revisions[.], and supplements.

[(d)] (e) The department of health shall provide for public education regarding the provisions of this part and shall monitor the effects of this part."

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

SECTION 3. This Act shall take effect on July 1, 1986.

(Approved May 17, 1986.)