

ACT 259

H.B. NO. 1732

A Bill for an Act Relating to Miscellaneous Permits for Pharmacy.

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

SECTION 1. Section 461-15, Hawaii Revised Statutes, is amended to read as follows:

“§461-15 Miscellaneous permits. (a) It shall be unlawful:

- (1) For any person to sell or offer for sale at public auction, or to sell or offer for sale at private sale in a place where public auctions are conducted, any drugs without first [having obtained] obtaining a permit from the board of pharmacy to do so;
- (2) For any person to in any manner distribute or dispense samples of any drugs or medical supplies without first [having obtained] obtaining a permit from the board to do so; provided that nothing in this paragraph shall interfere with the furnishing of samples or drugs directly to physicians, druggists, dentists, veterinarians, and optometrists for use in their professional practice;
- (3) For wholesalers to sell, distribute, or dispense any drug, except to a pharmacist, physician, dentist, veterinarian, or optometrist who is allowed to use pharmaceutical agents under chapter 459 or to a generally recognized industrial, agricultural, manufacturing, or scientific user of drugs for professional or business purposes; provided that it shall be unlawful for wholesalers to sell, distribute, or dispense any pharmaceutical agent which is not listed under section 459-15 to any optometrist; [and]
- (4) For any person, as principal or agent, to conduct or engage in the business of preparing, manufacturing, compounding, packing, or re-packing any drug without first [having obtained] obtaining a permit from the board to do so[.]; and
- (5) For any out-of-state pharmacy or entity engaging in the practice of pharmacy, in any manner to distribute, ship, mail, or deliver prescription drugs or devices into the State without first obtaining a permit from the board; provided that the applicant shall:
 - (A) Provide the location, names, and titles of all principal corporate officers;
 - (B) Attest that the applicant or any personnel of the applicant has not been found in violation of any state or federal drug laws, including the illegal use of drugs or improper distribution of drugs;
 - (C) Submit verification of a valid unexpired license, permit, or registration in good standing to conduct the pharmacy in compliance with the laws of the home state and agree to maintain in good standing such license, permit, or registration; and
 - (D) Have in its employ a registered pharmacist whose registration is current and in good standing.

(b) A person whose application for a permit has been denied may file for an administrative hearing in conformity with chapter 91.”

SECTION 2. Section 461-16, Hawaii Revised Statutes, is amended to read as follows:

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“§461-16 Fees for permits and licenses; renewal. (a) The board shall collect application, license, and permit fees for each permit to operate a pharmacy or for each license to operate as a wholesale prescription drug distributor and a fee for the issuance of a permit in accordance with section [461-15(1) or (4).] 461-15(a)(1), (4), and (5).

(b) Permits issued under sections 461-14 and 461-15 and licenses issued under section 461-8.6 shall be conspicuously displayed in the place for which the permit or license was granted. The permits and licenses shall not be transferable, shall expire on December 31 of each odd-numbered year following the date of issuance, and shall be renewed biennially.

(c) The holder of an expired permit or an expired license to operate as a wholesale prescription drug distributor may have the same restored within three years of the date of expiration upon due application therefor and payment of the delinquent fees and a penalty fee[.]; provided that in the case of an expired permit, the holder of the expired permit meets the requirements for the renewal of permits.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 18, 1993.)