

ACT 153

S.B. NO. 2646

A Bill for an Act Relating to Prescription Drugs.

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

SECTION 1. The legislature finds that prescribers of controlled substances, including doctors, dentists, surgeons, and podiatrists, are required to register with the state electronic prescription accountability system and are required to report information relevant to the dispensation of any controlled substance before any controlled substance may be dispensed. Prescribers are also permitted to view prescription data of their own patients. However, prescribers are currently not required to consult the state electronic prescription accountability system before prescribing a controlled substance.

The legislature further finds that drug overdose rates have increased catastrophically in Hawaii, increasing by eighty-three per cent from 2006 to 2014. Thirty-five per cent of all drug overdose deaths between 2010 and 2014 were caused by prescription opioids alone.

The purpose of this Act is to reduce the access of the public to potentially addictive substances by requiring prescribers to consult the state electronic prescription accountability system before issuing a prescription for certain controlled substances.

SECTION 2. Chapter 329, Hawaii Revised Statutes, is amended by adding a new section to part III to be appropriately designated and to read as follows:

“§329- Prescriptions; additional restrictions. (a) The prescription restrictions in this section shall apply in addition to the restrictions described in section 329-38.

(b) No prescriber shall prescribe a schedule II, III, or IV controlled substance without first requesting, receiving, and considering records of the ulti-

mate user from the state electronic prescription accountability system as needed to reduce the risk of abuse of or addiction to a controlled substance, as needed to avoid harmful drug interactions, or as otherwise medically necessary; provided that this subsection shall not apply to:

- (1) Any prescription for a supply of three days or less that is made in an emergency situation, by an emergency medical provider, or in an emergency room; and
- (2) Any prescription written while the state electronic prescription accountability system is nonfunctional.
- (c) The administrator of the state electronic prescription accountability system shall promptly disclose only the requested data to the requesting prescriber or the requesting prescriber's delegate. Disclosure as required under this section is permissible under the duty of confidentiality imposed by section 329-104. To the extent that this section conflicts with other state confidentiality and disclosure laws, this section shall prevail.
- (d) A violation of this section shall not be subject to the penalty provisions of part IV of chapter 329; provided that a violation of this section may result in disciplinary action by the appropriate licensing authority."

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2018, and shall be repealed on June 30, 2023.

(Approved July 9, 2018.)

Note

1. Edited pursuant to HRS §23G-16.5.