

ACT 93

H.B. NO. 72

A Bill for an Act Relating to Pharmacy.

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

SECTION 1. Chapter 461, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§461- Registered pharmacy technicians; certificate of registration required. (a) Beginning January 1, 2026, no person shall act as a pharmacy technician without first obtaining a valid certificate of registration issued by the board pursuant to this section.

(b) Each certificate of registration shall be valid through December 31 of each odd-numbered year, upon which the registration shall lapse and a new registration shall be required.

(c) Beginning January 1, 2026, a pharmacy shall only employ registered pharmacy technicians to perform pharmacy technician duties. The pharmacist-in-charge shall verify that the person is a registered pharmacy technician and that the board has issued a certificate of registration for the pharmacy technician before the registered pharmacy technician performs any tasks identified in this chapter or rules adopted pursuant to this chapter. The supervising registered pharmacist shall be responsible for the actions of the registered pharmacy technician.

(d) The certificate of registration shall be prominently displayed in an area accessible to the public in the workplace where the registered pharmacy technician is employed or practices.

(e) If the registered pharmacy technician is suspected to have violated any law or rule regarding the practice of pharmacy, legend drugs, or controlled substances, or if there is evidence that a registered pharmacy technician may have violated any such law or rule, the pharmacist-in-charge shall notify the board, in writing, within ten days or immediately if any danger to the public health or safety exists. Any registered pharmacist, whether or not practicing in the same pharmacy, who has knowledge or suspicion of a registered pharmacy technician who is in violation of any law or rule regarding the practice of pharmacy, legend drugs, or controlled substances shall notify the board, in writing, within ten days or immediately if any danger to the public health or safety exists.”

SECTION 2. Section 461-1, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

“Auxiliary pharmacy personnel” means a person who works in a pharmacy assisting a registered pharmacist or registered pharmacy technician and who may perform the following:

- (1) Retrieval tasks, such as retrieving prescriptions or files;
- (2) Clerical tasks, such as data entry, typing labels, and maintaining patient profiles;
- (3) Tasks such as selling prescriptions, telephoning, filing, and typing;
- (4) Accounting tasks, such as recordkeeping, maintaining accounts receivables, third-party billing, and posting;
- (5) Inventory control tasks, such as monitoring, pricing, dating, invoicing, stocking pharmacy, and preparing purchase orders; and
- (6) Custodial tasks, such as helping maintain a clean and orderly pharmacy.

“Registered pharmacy technician” means a person, exclusive of pharmacy interns and auxiliary pharmacy personnel, with a certificate of registration issued by the board pursuant to section 461- , who may, in addition to the tasks of an auxiliary pharmacy personnel, perform filling, packaging, manipulative, repetitive, or other nondiscretionary tasks, and tasks specified in section 461-11.4, only while assisting and while under the supervision and control of a registered pharmacist.

“Supervision” means the direction and oversight of a registered pharmacy technician or pharmacy intern by a responsible registered pharmacist at all times when the registered pharmacy technician or pharmacy intern performs acts specified in this chapter or rules adopted pursuant to this chapter.”

SECTION 3. Section 461-4.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) In addition to any other powers and duties authorized by law, the board:

- (1) Shall adopt, amend, and repeal rules pursuant to chapter 91, as it deems proper for the purposes of this chapter, Public Law 100-293, and title 21 Code of Federal Regulations part 205;
- (2) Shall examine, license, reinstate, and renew the licenses of qualified applicants for registered pharmacists and wholesale prescription drug distributors[.]; issue certificates of registration for registered pharmacy technicians; and issue and renew permits to operate pharmacies;
- (3) May require the inspection of any wholesale prescription drug distributor premises in the State to ensure compliance with this chapter and rules adopted under this chapter, or may require an applicant for a pharmacy license to submit a statement that the premises, including but not limited to security and sanitation, are in conformance with the board’s requirements and that the applicant possesses the reference materials and technical clinical equipment and supplies as may be specified in rules adopted under this chapter;
- (4) May fine, suspend, or revoke any license, registration, or permit for any cause prescribed by this chapter, or for any violation of the rules adopted under this chapter, and refuse to grant or renew any license, registration, or permit for any cause which would be ground for revocation or suspension of a license, registration, or permit;

- (5) May deny a license to any applicant who has been disciplined by another state or federal agency. Notwithstanding any law to the contrary, a final order of disciplinary action taken pursuant to this paragraph shall be a matter of public record; and
- (6) May approve pilot and demonstration research projects for innovative applications in the practice of pharmacy; provided that the projects shall not include therapeutic substitution or substitution of a medical device used in patient care; provided further that nothing in this paragraph shall be construed to expand the definition of "practice of pharmacy" [as defined] under section 461-1. The board may also:
 - (A) Approve a provision that grants an exception to any rule adopted under this paragraph;
 - (B) Extend the time an exception to a rule is granted, as may be necessary for the board to adopt an amendment or modification to the rule;
 - (C) Condition approval of a project upon compliance with this section and any rules adopted under this section; and
 - (D) Rescind approval and terminate a project if, at any time, a project fails to protect public health or welfare."

SECTION 4. Section 461-5, Hawaii Revised Statutes, is amended by amending its title to read as follows:

"§461-5 [Qualifications] Registered pharmacists; qualifications for license."

SECTION 5. Section 461-8, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) All licenses and permits issued by the board, except temporary licenses issued under section 461-7, shall be renewed biennially on or before December 31 of each odd-numbered year. Failure to pay the biennial fee and ~~beginning with the renewal for the licensing biennium commencing on January 1, 2008,~~ to satisfy the continuing education requirement on or before December 31 of each odd-numbered year, shall constitute a forfeiture of the license as of the date of expiration. Failure to pay the biennial fee on or before December 31 of each odd-numbered year shall constitute a forfeiture of the permit as of the date of expiration.

(b) Any license or permit forfeited pursuant to subsection (a) may be restored within three years upon payment of any penalty fee, the current biennial fees, and the renewal fee for the next biennium, if applicable, upon submission of proof of compliance with the continuing education requirement for the prior biennium, and upon meeting any other requirements specified in rules adopted pursuant to chapter 91."

SECTION 6. Section 461-9, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

"(b) No person shall practice as a pharmacy intern without having first obtained a permit from the board. The board shall adopt rules pursuant to chapter 91 defining the functions of a pharmacy intern, establishing the requirements to be met by an applicant for a pharmacy intern permit, and specifying the duration of the permit and the procedures for the immediate supervision of the pharmacy intern by a registered pharmacist~~[-];~~ provided that the supervising registered pharmacist shall supervise the actions of the pharmacy intern.

(c) A registered pharmacy technician may be employed to ~~[assist the]~~ perform filling, packaging, manipulative, repetitive, or other nondiscretionary tasks, and tasks specified in section 461-11.4, only while assisting and while under the supervision and control of a registered pharmacist and under rules adopted by the board pursuant to chapter 91 [that define the qualifications and functions of the pharmacy technician and provide the procedures for control and supervision by a registered pharmacist]."

SECTION 7. Section 461-11.4, Hawaii Revised Statutes, is amended by amending subsections (a) to (d) to read as follows:

"(a) A pharmacist, pharmacy intern, or registered pharmacy technician under the direct supervision of a registered pharmacist may administer a vaccine to a person three years of age or older; provided that:

- (1) The vaccine is authorized or approved by the United States Food and Drug Administration;
- (2) The vaccine has been ordered by a registered pharmacist and administered in accordance with the recommendations of the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services;
- (3) The pharmacy intern has completed a practical training program approved by the Accreditation Council for Pharmacy Education that includes hands-on injection technique, clinical evaluation of indications and contraindications of vaccines, and the recognition and treatment of emergency responses to vaccines;
- (4) The registered pharmacy technician has completed a practical training program approved by the Accreditation Council for Pharmacy Education that includes hands-on injection technique;
- (5) The registered pharmacy technician has a Certified Pharmacy Technician certification from either the Pharmacy Technician Certification Board or National Healthcareer Association;
- (6) The registered pharmacist, pharmacy intern, or registered pharmacy technician has a current certificate in basic cardiopulmonary resuscitation;
- (7) The registered pharmacist or registered pharmacy technician has completed a minimum of two credit hours in immunization-related continuing education courses during each licensing biennium;
- (8) The registered pharmacist is in compliance with all applicable recordkeeping and reporting requirements, including complying with adverse events reporting requirements;
- (9) The registered pharmacist, pharmacy intern, or registered pharmacy technician has reviewed the patient's vaccination records before administering the vaccine;
- (10) The registered pharmacist has informed the patient and the patient's primary guardian or caregiver of the importance of a well-child visit with a pediatrician or other licensed primary care provider and has referred the patient as appropriate; and
- (11) Where a prescription has been ordered by a person other than the registered pharmacist, the registered pharmacist, pharmacy intern, or registered pharmacy technician shall verify that the prescriber or the prescriber's authorized agent is the patient's medical home.

(b) After the vaccination is administered, the registered pharmacist, pharmacy intern, or registered pharmacy technician under the direct supervision of a registered pharmacist shall immediately provide to the patient a vaccination record including the following information:

(1) The patient's name and date of birth;
 (2) The type of vaccine administered; and
 (3) The date and location that the vaccine was administered.
 (c) The registered pharmacist, pharmacy intern, or registered pharmacy technician under the direct supervision of a registered pharmacist shall make a good faith effort to provide within seventy-two hours to the medical home and within five business days to the department of health immunization registry the same information provided to the patient pursuant to subsection (b) as well as the following:

(1) The name of the vaccine product that was administered, including the manufacturer, lot number, and expiration date;
 (2) The method of administration; and
 (3) The anatomical site of administration.
 (d) All pharmacy interns or registered pharmacy technicians who administer vaccines to persons three years of age or older shall complete the training program required by subsection (a) and submit the completion certificate for the training program to the board before administering any vaccine to persons three years of age or older."

SECTION 8. Section 461-21, Hawaii Revised Statutes, is amended to read as follows:

"§461-21 Disciplinary action. (a) In addition to any other actions authorized by law, the board may deny, revoke, or suspend any license, registration, or permit applied for or issued by the board, in accordance with this chapter, and fine or otherwise discipline a licensee, registrant, or permit holder for any cause authorized by law, including but not limited to the following:

- (1) Procuring a license or registration through fraud, misrepresentation, or deceit;
- (2) Professional misconduct, gross carelessness, or manifest incapacity;
- (3) Permitting an unlicensed or unregistered person to perform activities that require a license or registration under this chapter;
- (4) Violation of any of the provisions of this chapter or the rules adopted pursuant ~~[thereto;]~~ to this chapter;
- (5) Violation of any ~~[state or]~~ federal or state drug, controlled substance, or poison law;
- (6) False, fraudulent, or deceptive advertising;
- (7) Any other conduct constituting fraudulent or dishonest dealings;
- (8) Failure to comply with a board order;
- (9) Making a false statement on any document submitted or required to be filed by this chapter, including a false certification of compliance with the continuing education requirement;
- (10) Habitual intemperance or addiction to the use of habit-forming drugs;
- (11) Administering a vaccine, including a human papillomavirus, Tdap (tetanus, diphtheria, pertussis), meningococcal, or influenza vaccine, without complying with section 461-11.4; or
- (12) Prescribing or dispensing contraceptive supplies without complying with section 461-11.6.

(b) Any person who violates any of the provisions of this chapter or the rules adopted pursuant ~~[thereto]~~ to this chapter shall be fined ~~[not]~~ no less than \$100 ~~[not]~~ and no more than \$1,000 for each violation.

(c) All proceedings for denial, suspension, fine, or revocation of a license, registration, or permit on any grounds specified in subsection (a) shall be conducted pursuant to chapter 91, including the right of judicial review."

SECTION 9. Section 26H-6, Hawaii Revised Statutes, shall not apply to this Act.

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 11. This Act shall take effect upon its approval.
(Approved May 27, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.