

Honolulu, Hawaii

April 25, 2008

RE: S.B. No. 2459  
S.D. 2  
H.D. 1  
C.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2459, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO REMOTE DISPENSING,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to improve access to medications and pharmacy services by authorizing the operation of remote dispensing pharmacies to dispense prescription medications.

Your Committee on Conference upon further consideration has made the following amendments to S.B. No. 2459, S.D. 2, H.D. 1:

- (1) Inserted language that prohibits the operation of a remote pharmacy within a five mile radius of any pharmacy defined under section 461-1, Hawaii Revised Statutes, except for:



- (A) Any remote dispensing pharmacy established prior to the effective date of this Act that has previously dispensed and will continue to dispense only prescription medications acquired pursuant to section 340B of the Public Health Service Act, title 42 United States Code section 256b; and
- (B) When an appropriately designated pharmacy, as defined in section 461-1, Hawaii Revised Statutes, is established within a five mile radius of an existing remote dispensing pharmacy exempted by this subsection, all appropriate measures shall be taken to encourage the relocation of the existing remote dispensing machine within the newly established pharmacy;
- (2) Authorizes remote dispensing pharmacies to provide medications to patients covered by QUEST regardless of the pharmacy location or amount of supply;
- (3) Prohibits any health insurance provider group, hospital, or medical service plan regulated under article 431-10A or 432-1, Hawaii Revised Statutes, to operate a remote dispensing pharmacy;
- (4) Exempts mobile medical clinics, provided that no such clinic shall operate in counties with a population less than 100,000;
- (5) Exempts federally qualified health centers, provided that no remote dispensing pharmacy shall operate within a five mile radius of any pharmacy as defined under section 461-1, Hawaii Revised Statutes, except for those federally qualified health centers that are exempt under section 461- (c) (2), Hawaii Revised Statutes;
- (6) Defines "mobile medical clinic" to mean a motor vehicle retrofitted for exclusive use as a medical office or clinic for medical services licensed under chapter 321, Hawaii Revised Statutes;
- (7) Amended the definitions of "remote dispensing machine" and "remote dispensing pharmacy" to clarify that the drugs to be dispensed are those that are acquired pursuant to section 340B of the Public Health Service Act, title 42 United States Code section 256b;




- (8) Changed the effective date to "upon its approval"; and
- (9) Made technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2459, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2459, S.D. 2, H.D. 1, C.D. 1.

Respectfully submitted on behalf  
of the managers:

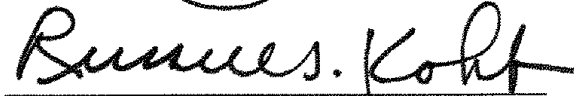
ON THE PART OF THE HOUSE

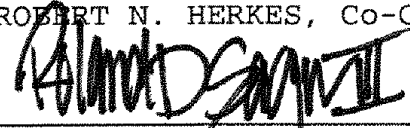
ON THE PART OF THE SENATE

  
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JOSHUA B. GREEN, M.D., Co-Chair

  
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DAVID Y. IGE, Chair

  
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ROBERT N. HERKES, Co-Chair

  
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RUSSELL S. KOKUBUN, Co-Chair

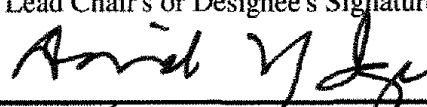
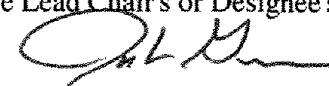
  
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ROLAND D. SAGUM III, Co-Chair



Hawaii State Legislature

**CAR 160**

**Record of Votes of a  
Conference Committee**

Bill / Concurrent Resolution No.: <b>SB 2459, SD 2, HD 1</b>					Date/Time: <b>4/25/8</b> <b>4:30p</b>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
IGE, David Y., Chr.	✓				GREEN, Josh, M.D., Co-Chr.	✓			
KOKUBUN, Russell S., Co-Chr.	✓				HERKES, Robert N., Co-Chr.	✓			
FUKUNAGA, Carol				✓	SAGUM, Roland D., III, Co-Chr.	✓			
CHUN OAKLAND, Suzanne	✓				TOKIOKA, James Kunane				✓
WHALEN, Paul				✓	WARD, Gene, Ph.D.	✓			
<b>TOTAL</b>	<b>3</b>			<b>2</b>	<b>TOTAL</b>	<b>4</b>			<b>1</b>
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
<b>Distribution:</b> <b>Original</b> <b>Yellow</b> <b>Pink</b> <b>Goldenrod</b> <i>File with Conference Committee Report</i> <i>House Clerk's Office</i> <i>Senate Clerk's Office</i> <i>Drafting Agency</i>									