

---

# A BILL FOR AN ACT

---

RELATING TO HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. Chapter 329, Hawaii Revised Statutes, is  
2 amended by adding a new section to part V to be appropriately  
3 designated and to read as follows:

4       "§329- Chronic pain medication agreement. (a) A  
5 chronic pain medication agreement shall be executed between a  
6 patient and any prescriber of a narcotic drug within this State  
7 for use as pain medication whenever the patient is determined to  
8 have chronic pain and is prescribed a narcotic drug for use as  
9 pain medication for three months or longer.

10       (b) The administrator shall develop and make available a  
11 template of a chronic pain medication agreement for use in the  
12 State. The template for the chronic pain medication agreement  
13 shall include, at a minimum, the following:

14       (1) Informed consent to treat the patient with scheduled  
15 medication on a chronic basis greater than three  
16 months that acknowledges the long-term risks of the  
17 chronic use of a narcotic drug as pain medication;



- 1        (2) Consent to submit to random pill counts upon request  
2        by the prescriber;
- 3        (3) A statement that advises the patient of the risk of  
4        injury when exceeding a morphine equianalgesic dose of  
5        one hundred twenty per day or combinations of the same  
6        with benzodiazepines;
- 7        (4) A statement that advises the patient of the risk of  
8        injury when exceeding three grams of acetaminophen on  
9        a daily basis in combination products;
- 10       (5) A statement recommending a single pharmacy, or a  
11       single network of pharmacies electronically sharing a  
12       real time, online database, and identifying this  
13       pharmacy or network of pharmacies for all patients  
14       receiving chronic pain medications; and
- 15       (6) A statement that advises the patient that any patient  
16       who violates section 329-42(a)(3) (prohibited acts  
17       related to knowingly or intentionally obtaining or  
18       attempting to obtain or procuring or attempting to  
19       procure a controlled substance through various  
20       prohibited means, including fraud) or section 329-46  
21       (prohibited acts related to visits to more than one



1           practitioner to obtain a controlled substance

2           prescription) shall be guilty of a class C felony.

3           (c) This section shall not apply to emergency room and  
4 urgent care providers or hospice, palliative care, or terminally  
5 ill patients and their providers.

6           (d) For the purposes of this section, "narcotic drug"  
7 means all schedule II substances pursuant to section 329-16 and  
8 schedule III substances pursuant to section 329-18, including  
9 derivatives of hydrocodone, oxycodone, morphine, codeine,  
10 hydromorphone, benzodiazepines, and carisoprodol."

11           SECTION 2. New statutory material is underscored.

12           SECTION 3. This Act shall take effect on July 1, 2050;  
13 provided that section 1 of this Act shall apply to all chronic  
14 pain agreements entered into on or after September 1, 2015.



**Report Title:**

Chronic Pain; Chronic Pain Medication Agreement; Narcotic Drugs;  
Narcotics Enforcement Division

**Description:**

Requires a chronic pain medication agreement to be executed between a patient and any prescriber of a narcotic drug within the State for use as chronic pain medication under certain conditions. Requires the administrator of the narcotics enforcement division to develop and make available a template of a chronic pain medication agreement for use in the State. Specifies the contents of the template. Excludes certain patients and providers from the chronic pain medication agreement requirements. Effective 07/01/2050. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

