
A BILL FOR AN ACT

RELATING TO CONTRACEPTIVE SUPPLIES.

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

1 SECTION 1. The legislature finds that many reproductive
2 health experts have long sought to make prescription
3 contraceptives more readily accessible. Research indicates that
4 women are more likely to use prescription contraceptives and
5 less likely to have unintended pregnancies when barriers to
6 contraceptive access are lifted. Furthermore, studies have also
7 indicated that it is safe for women to obtain contraceptive
8 supplies without a physician and that women can accurately
9 identify conditions that make it appropriate to use certain
10 contraceptives by using a simple checklist.

11 The legislature further finds that under the federal
12 Patient Protection and Affordable Care Act of 2010,
13 contraceptives are required to be covered at a \$0 copayment,
14 thus removing financial barriers for patients and ensuring that
15 patients have better opportunities to receive contraceptive
16 care.

17 The legislature additionally finds that some states are
18 also taking steps to ensure greater access to contraceptive



1 supplies. For example, recent legislation in California and
2 Oregon has expanded access to prescription contraceptives for
3 millions of women. The California and Oregon laws, enacted in
4 2016, permit women to obtain contraceptive supplies from
5 pharmacists without first having to visit a primary care
6 provider for a prescription. The legislature concludes that
7 Hawaii should adopt similar legislation, which will increase
8 access to prescription contraceptive supplies and decrease
9 barriers regarding reproductive health care.

10 The purpose of this Act is to expand access to prescription
11 contraceptives by:

- 12 (1) Authorizing pharmacists to prescribe and dispense
13 self-administered hormonal contraceptive supplies; and
- 14 (2) Specifying requirements pharmacists must meet prior to
15 prescribing and dispensing contraceptive supplies.

16 SECTION 2. Chapter 461, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§461- Contraceptive supplies; authority to prescribe
20 and dispense; requirements. (a) A pharmacist may prescribe and
21 dispense contraceptive supplies to a patient regardless of



1 whether the patient has evidence of a previous prescription for
2 contraceptive supplies from a licensed physician, advanced
3 practice registered nurse, or other primary care provider
4 authorized to prescribe contraceptive supplies.

5 (b) A pharmacist who prescribes and dispenses
6 contraceptive supplies pursuant to subsection (a) shall:

7 (1) Complete an Accreditation Council for Pharmacy
8 Education program approved by the board related to
9 prescribing contraceptive supplies;

10 (2) Provide a self-screening risk assessment tool that a
11 patient shall complete before the pharmacist
12 prescribes any contraceptive supplies; provided that
13 the self-screening risk assessment tool shall be based
14 on the current version of the United States Medical
15 Eligibility Criteria for Contraceptive Use developed
16 by the federal Centers for Disease Control and
17 Prevention;

18 (3) Refer the patient to the patient's primary care
19 provider upon prescribing and dispensing the
20 contraceptive supplies; provided that if the patient
21 does not have a primary care provider, the pharmacist



1 shall advise the patient to consult a licensed
2 physician, advanced practice registered nurse, or
3 other primary care provider of the patient's choice;

4 (4) Provide the patient with a written record of the
5 contraceptive supplies prescribed and dispensed and
6 advise the patient to consult with a primary care
7 provider of the patient's choice; and

8 (5) Dispense the contraceptive supplies to the patient as
9 soon as practicable after the pharmacist issues the
10 prescription.

11 (c) A pharmacist who prescribes and dispenses
12 contraceptive supplies pursuant to subsection (a) shall not
13 require a patient to schedule an appointment with the pharmacist
14 for the prescribing or dispensing of contraceptive supplies."

15 SECTION 3. Section 431:10A-116.6, Hawaii Revised Statutes,
16 is amended to read as follows:

17 "**§431:10A-116.6 Contraceptive services.** (a)
18 Notwithstanding any provision of law to the contrary, each
19 employer group accident and health or sickness policy, contract,
20 plan, or agreement issued or renewed in this State on or after
21 January 1, 2000, shall cease to exclude contraceptive services



1 or supplies for the subscriber or any dependent of the
2 subscriber who is covered by the policy, subject to the
3 exclusion under section 431:10A-116.7 and the exclusion under
4 section 431:10A-102.5.

5 (b) Except as provided in subsection (c), all policies,
6 contracts, plans, or agreements under subsection (a), that
7 provide contraceptive services or supplies, or prescription drug
8 coverage, shall not exclude any prescription contraceptive
9 supplies or impose any unusual copayment, charge, or waiting
10 requirement for such supplies.

11 (c) Coverage for oral contraceptives shall include at
12 least one brand from the monophasic, multiphasic, and the
13 progestin-only categories. A member shall receive coverage for
14 any other oral contraceptive only if:

- 15 (1) Use of brands covered has resulted in an adverse drug
16 reaction; or
- 17 (2) The member has not used the brands covered and, based
18 on the member's past medical history, the prescribing
19 health care provider believes that use of the brands
20 covered would result in an adverse reaction.



1 (d) Coverage required by this section shall include
2 reimbursement to a prescribing health care provider or
3 dispensing entity for prescription contraceptive supplies
4 intended to last for up to a twelve-month period for an insured.

5 (e) Coverage required by this section shall include
6 reimbursement to a prescribing and dispensing pharmacist who
7 prescribes and dispenses contraceptive supplies pursuant to
8 section 461- .

9 [~~e~~] (f) For purposes of this section:

10 "Contraceptive services" means physician-delivered,
11 physician-supervised, physician assistant-delivered, advanced
12 practice registered nurse-delivered, nurse-delivered, or
13 pharmacist-delivered medical services intended to promote the
14 effective use of contraceptive supplies or devices to prevent
15 unwanted pregnancy.

16 "Contraceptive supplies" means all United States Food and
17 Drug Administration-approved contraceptive drugs or devices used
18 to prevent unwanted pregnancy.

19 [~~f~~] (g) Nothing in this section shall be construed to
20 extend the practice or privileges of any health care provider



1 beyond that provided in the laws governing the provider's
2 practice and privileges."

3 SECTION 4. Section 432:1-604.5, Hawaii Revised Statutes,
4 is amended to read as follows:

5 "§432:1-604.5 Contraceptive services. (a)

6 Notwithstanding any provision of law to the contrary, each
7 employer group health policy, contract, plan, or agreement
8 issued or renewed in this State on or after January 1, 2000,
9 shall cease to exclude contraceptive services or supplies, and
10 contraceptive prescription drug coverage for the subscriber or
11 any dependent of the subscriber who is covered by the policy,
12 subject to the exclusion under section 431:10A-116.7.

13 (b) Except as provided in subsection (c), all policies,
14 contracts, plans, or agreements under subsection (a), that
15 provide contraceptive services or supplies, or prescription drug
16 coverage, shall not exclude any prescription contraceptive
17 supplies or impose any unusual copayment, charge, or waiting
18 requirement for such drug or device.

19 (c) Coverage for contraceptives shall include at least one
20 brand from the monophasic, multiphasic, and the progestin-only



1 categories. A member shall receive coverage for any other oral
2 contraceptive only if:

3 (1) Use of brands covered has resulted in an adverse drug
4 reaction; or

5 (2) The member has not used the brands covered and, based
6 on the member's past medical history, the prescribing
7 health care provider believes that use of the brands
8 covered would result in an adverse reaction.

9 (d) Coverage required by this section shall include
10 reimbursement to a prescribing health care provider or
11 dispensing entity for prescription contraceptive supplies
12 intended to last for up to a twelve-month period for a member.

13 (e) Coverage required by this section shall include
14 reimbursement to a prescribing and dispensing pharmacist who
15 prescribes and dispenses contraceptive supplies pursuant to
16 section 461- .

17 [~~e~~] (f) For purposes of this section:

18 "Contraceptive services" means physician-delivered,
19 physician-supervised, physician assistant-delivered, advanced
20 practice registered nurse-delivered, nurse-delivered, or
21 pharmacist-delivered medical services intended to promote the



1 effective use of contraceptive supplies or devices to prevent
2 unwanted pregnancy.

3 "Contraceptive supplies" means all Food and Drug
4 Administration-approved contraceptive drugs or devices used to
5 prevent unwanted pregnancy.

6 [~~f~~] (g) Nothing in this section shall be construed to
7 extend the practice or privileges of any health care provider
8 beyond that provided in the laws governing the provider's
9 practice and privileges."

10 SECTION 5. Section 461-1, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By adding two new definitions to be appropriately
13 inserted and to read:

14 "Advanced practice registered nurse" means a person
15 licensed pursuant to section 457-8.5 and granted prescriptive
16 authority pursuant to section 457-8.6.

17 "Contraceptive supplies" means all United States Food and
18 Drug Administration-approved self-administered hormonal
19 contraceptives."

20 2. By amending the definition of "practice of pharmacy" to
21 read:



1 ""Practice of pharmacy" means:

- 2 (1) The interpretation and evaluation of prescription
3 orders; the compounding, dispensing, and labeling of
4 drugs and devices (except labeling by a manufacturer,
5 packer, or distributor of nonprescription drugs and
6 commercially legend drugs and devices); the
7 participation in drug selection and drug utilization
8 reviews; the proper and safe storage of drugs and
9 devices and the maintenance of proper records
10 therefor; the responsibility for advising when
11 necessary or where regulated, of therapeutic values,
12 content, hazards, and use of drugs and devices;
- 13 (2) Performing the following procedures or functions as
14 part of the care provided by and in concurrence with a
15 "health care facility" and "health care service" as
16 defined in section 323D-2, or a "pharmacy" or a
17 licensed physician or a licensed advanced practice
18 registered nurse with prescriptive authority, or a
19 "managed care plan" as defined in section 432E-1, in
20 accordance with policies, procedures, or protocols
21 developed collaboratively by health professionals,



1 including physicians and surgeons, pharmacists, and
2 registered nurses, and for which a pharmacist has
3 received appropriate training required by these
4 policies, procedures, or protocols:

- 5 (A) Ordering or performing routine drug therapy
6 related patient assessment procedures;
- 7 (B) Ordering drug therapy related laboratory tests;
- 8 (C) Initiating emergency contraception oral drug
9 therapy in accordance with a written
10 collaborative agreement approved by the board,
11 between a licensed physician or advanced practice
12 registered nurse with prescriptive authority and
13 a pharmacist who has received appropriate
14 training that includes programs approved by the
15 American Council of Pharmaceutical Education
16 (ACPE), curriculum-based programs from an ACPE-
17 accredited college of pharmacy, state or local
18 health department programs, or programs
19 recognized by the board of pharmacy;
- 20 (D) Administering drugs orally, topically, by
21 intranasal delivery, or by injection, pursuant to



1 the order of the patient's licensed physician or
2 advanced practice registered nurse with
3 prescriptive authority, by a pharmacist having
4 appropriate training that includes programs
5 approved by the ACPE, curriculum-based programs
6 from an ACPE-accredited college of pharmacy,
7 state or local health department programs, or
8 programs recognized by the board of pharmacy;

9 (E) Administering:

10 (i) Immunizations orally, by injection, or by
11 intranasal delivery, to persons eighteen
12 years of age or older by a pharmacist having
13 appropriate training that includes programs
14 approved by the ACPE, curriculum-based
15 programs from an ACPE-accredited college of
16 pharmacy, state or local health department
17 programs, or programs recognized by the
18 board of pharmacy; and

19 (ii) Vaccines to persons between fourteen and
20 seventeen years of age pursuant to section
21 461-11.4;



1 (F) As authorized by the written instructions of a
2 licensed physician or advanced practice
3 registered nurse with prescriptive authority,
4 initiating or adjusting the drug regimen of a
5 patient pursuant to an order or authorization
6 made by the patient's licensed physician or
7 advanced practice registered nurse with
8 prescriptive authority and related to the
9 condition for which the patient has been seen by
10 the licensed physician or advanced practice
11 registered nurse with prescriptive authority;
12 provided that the pharmacist shall issue written
13 notification to the patient's licensed physician
14 or advanced practice registered nurse with
15 prescriptive authority or enter the appropriate
16 information in an electronic patient record
17 system shared by the licensed physician or
18 advanced practice registered nurse with
19 prescriptive authority, within twenty-four hours;



- 1 (G) Transmitting a valid prescription to another
2 pharmacist for the purpose of filling or
3 dispensing;
- 4 (H) Providing consultation, information, or education
5 to patients and health care professionals based
6 on the pharmacist's training and for which no
7 other licensure is required; or
- 8 (I) Dispensing an opioid antagonist in accordance
9 with a written collaborative agreement approved
10 by the board, between a licensed physician and a
11 pharmacist who has received appropriate training
12 that includes programs approved by the American
13 Council on Pharmaceutical Education (ACPE),
14 curriculum-based programs from an ACPE-accredited
15 college of pharmacy, state or local health
16 department programs, or programs recognized by
17 the board; [~~and~~]
- 18 (3) The offering or performing of those acts, services,
19 operations, or transactions necessary in the conduct,
20 operation, management, and control of pharmacy[-]; and



1 (4) Prescribing and dispensing contraceptive supplies
2 pursuant to section 461-_____."

3 SECTION 6. Section 461-8, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§461-8 Renewal of licenses; continuing education
6 requirement. (a) All licenses issued by the board, except
7 temporary licenses issued under section 461-7, shall be renewed
8 biennially on or before December 31 of each odd-numbered year.
9 Failure to pay the biennial fee and, beginning with the renewal
10 for the licensing biennium commencing on January 1, 2008, to
11 satisfy the continuing education requirement on or before
12 December 31 of each odd-numbered year, shall constitute a
13 forfeiture of the license as of the date of expiration.
14 (b) Any license forfeited pursuant to subsection (a) may
15 be restored within three years upon payment of any penalty fee,
16 the current biennial fees, and the renewal fee for the next
17 biennium, if applicable, upon submission of proof of compliance
18 with the continuing education requirement for the prior
19 biennium, and upon meeting any other requirements specified in
20 rules adopted pursuant to chapter 91.



1 (c) In the event that the pharmacist has not engaged in
2 the practice of pharmacy in this State or in another state or
3 territory of the United States within the past five years, the
4 board may require the pharmacist to satisfy additional
5 requirements, as specified in rules adopted pursuant to chapter
6 91, to demonstrate that the pharmacist is competent to practice
7 in this State.

8 (d) Beginning with the renewal for the licensing biennium
9 commencing on January 1, 2008, and every biennial renewal
10 thereafter, each licensee shall have completed thirty credit
11 hours in continuing education courses within the two-year period
12 preceding the renewal date, regardless of the licensee's initial
13 date of licensure; provided that a licensee who has graduated
14 from an accredited pharmacy school within one year of the
15 licensee's first license renewal period shall not be subject to
16 the continuing education requirement for the first license
17 renewal. The board may extend the deadline for compliance with
18 the continuing education requirement based on any of the
19 following:



- 1 (1) Illness, as certified by a physician or osteopathic
2 physician licensed under chapter 453 or licensed in
3 the jurisdiction in which the licensee was treated;
- 4 (2) Military service under extended active duty with the
5 armed forces of the United States;
- 6 (3) Lack of access to continuing education courses due to
7 the practice of pharmacy in geographically isolated
8 areas; and
- 9 (4) Inability to undertake continuing education due to
10 incapacity, undue hardship, or other extenuating
11 circumstances.
- 12 (e) A pharmacist who administers any vaccine to persons
13 between the ages of fourteen and seventeen years pursuant to
14 section 461-11.4 shall complete a training program approved by
15 the board within every other biennial renewal period and submit
16 proof of successful completion of the training program to the
17 board; provided that the pharmacist shall meet these
18 requirements prior to administering any vaccine to persons
19 between the ages of fourteen and seventeen years.
- 20 (f) A pharmacist who prescribes and dispenses
21 contraceptive supplies pursuant to section 461- shall



1 complete an Accreditation Council for Pharmacy Education program
2 approved by the board within every other biennial renewal period
3 and submit proof of successful completion of the continuing
4 education program to the board.

5 ~~[(f)]~~ (g) Each licensee shall maintain the licensee's
6 continuing education records. At the time of renewal, each
7 licensee shall certify under oath that the licensee has complied
8 with the continuing education requirement of this section. The
9 board may require a licensee to submit, in addition to the
10 certification, evidence satisfactory to the board that
11 demonstrates compliance with the continuing education
12 requirement of this section.

13 ~~[(g)]~~ (h) The board may conduct random audits to determine
14 compliance with the continuing education requirement. The board
15 shall provide written notice of an audit to a licensee randomly
16 selected for audit. Within sixty days of notification, the
17 licensee shall provide the board with documentation verifying
18 compliance with the continuing education requirement."

19 SECTION 7. Section 461-21, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



1 "(a) In addition to any other actions authorized by law,
2 the board may deny, revoke, or suspend any license or permit
3 applied for or issued by the board, in accordance with this
4 chapter, and fine or otherwise discipline a licensee or permit
5 holder for any cause authorized by law, including but not
6 limited to the following:

- 7 (1) Procuring a license through fraud, misrepresentation,
8 or deceit;
- 9 (2) Professional misconduct, gross carelessness, or
10 manifest incapacity;
- 11 (3) Permitting an unlicensed person to perform activities
12 that require a license under this chapter;
- 13 (4) Violation of any of the provisions of this chapter or
14 the rules adopted pursuant thereto;
- 15 (5) Violation of any state or federal drug, controlled
16 substance, or poison law;
- 17 (6) False, fraudulent, or deceptive advertising;
- 18 (7) Any other conduct constituting fraudulent or dishonest
19 dealings;
- 20 (8) Failure to comply with a board order;



1 (9) Making a false statement on any document submitted or
2 required to be filed by this chapter, including a
3 false certification of compliance with the continuing
4 education requirement;

5 (10) Habitual intemperance or addiction to the use of
6 habit-forming drugs; [~~or~~]

7 (11) Administering a vaccine to a person between fourteen
8 and seventeen years of age without complying with
9 section 461-11.4 [~~-~~]; or

10 (12) Prescribing or dispensing contraceptive supplies
11 without complying with section 461-_____."

12 SECTION 8. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 9. This Act shall take effect on July 1, 2017.



Report Title:

Pharmacists; Prescriptive Authority; Contraceptive Supplies;
Reimbursement

Description:

Authorizes pharmacists to prescribe and dispense self-administered hormonal contraceptive supplies to patients regardless of a previous prescription, subject to specified education and procedural requirements. Enables pharmacists to be reimbursed for prescribing and dispensing contraceptive supplies. (CD1)

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

