

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO HEALTH.

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

1           SECTION 1. The legislature finds that Act 2, Session Laws  
2 of Hawaii 2018 (Act 2), established Hawaii's our care, our  
3 choice act, which provides terminally ill adults with the choice  
4 and autonomy to make informed decisions regarding their end-of-  
5 life care.

6           The legislature further finds that although Act 2 has only  
7 been in effect since January 1, 2019, certain barriers to this  
8 option have already emerged, specifically in regard to accessing  
9 the prescription medication needed by qualifying patients who  
10 choose to exercise their right to make meaningful end-of-life  
11 choices. Without reimbursement for prescription drug costs,  
12 some qualifying patients may find access to needed medication  
13 unattainable. Another barrier concerns pharmacists and  
14 pharmacies refusing to provide prescription medication to those  
15 qualifying patients who wish to exercise their choice under Act  
16 2.



1           The legislature notes that the barriers faced by qualifying  
2 patients who choose to exercise their right to determine their  
3 own medical care at the end of their lives is contrary to the  
4 legislature's intent to provide these terminally ill individuals  
5 autonomy, control, and choice.

6           The purpose of this Act is to:

7           (1) Require reimbursement for medication prescribed to a  
8           qualifying patient pursuant to Act 2; and

9           (2) Establish penalties for pharmacies and pharmacists who  
10           refuse to honor and fill a prescription for any  
11           qualifying patient, as authorized by Act 2.

12           SECTION 2. Chapter 327L, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15           "§327L- Prescription reimbursement. Notwithstanding any  
16 law to the contrary, all prescriptions prescribed to a  
17 qualifying patient pursuant to this chapter shall be considered  
18 a medically necessary covered service and shall be eligible for  
19 reimbursement, regardless of whether the qualifying patient's  
20 health insurance policy, contract, plan, or agreement includes  
21 prescription drug coverage."



1 SECTION 3. Section 327L-20, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 " ~~[§]~~327L-20 ~~[§]~~ Prohibited acts; penalties. (a) Any  
4 person who intentionally makes, completes, alters, or endorses a  
5 request for a prescription made pursuant to section 327L-2, for  
6 another person, or conceals or destroys any documentation of a  
7 rescission of a request for a prescription completed by another  
8 person, shall be guilty of a class A felony.

9 (b) Any person who knowingly coerces or induces a patient  
10 by force, threat, fraud, or intimidation to request a  
11 prescription pursuant to section 327L-2, shall be guilty of a  
12 class A felony.

13 (c) Notwithstanding any law to the contrary, any pharmacy  
14 licensed, registered, or otherwise authorized to do business in  
15 this State, or an authorized agent of any pharmacy licensed,  
16 registered, or otherwise authorized to do business in this  
17 State, who knowingly refuses to dispense a prescription to a  
18 qualifying patient pursuant to this chapter shall be subject to  
19 a fine of \$ \_\_\_\_\_.

20 (d) Notwithstanding any law to the contrary, any  
21 pharmacist licensed pursuant to chapter 461, or an authorized



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1 agent operating under the direction of a licensed pharmacist,  
 2 who knowingly refuses to dispense a prescription to a qualifying  
 3 patient pursuant to this chapter shall be subject to a fine of  
 4 \$ \_\_\_\_\_ or disciplinary action by the board of pharmacy  
 5 pursuant to chapter 461, up to and including loss of license.

6 [~~e~~] (e) Nothing in this section shall limit any  
 7 liability for civil damages resulting from any intentional or  
 8 negligent conduct by any person in violation of this chapter.

9 [~~d~~] (f) The penalties in this chapter are cumulative and  
 10 shall not preclude criminal penalties pursuant to other  
 11 applicable state law."

12 SECTION 4. This Act does not affect rights and duties that  
 13 matured, penalties that were incurred, and proceedings that were  
 14 begun before its effective date.

15 SECTION 5. Statutory material to be repealed is bracketed  
 16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect upon its approval.  
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INTRODUCED BY:

Ronald H. Bell

Rose E. P. A.  
[Signature]

[Signature]  
Clerene V. Michikawa  
Nichelle Filani



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A handwritten signature in black ink, appearing to be 'M. H.', written in a cursive style.

# S.B. NO. 542

**Report Title:**

Drug Reimbursement; Pharmacies; Penalties; Our Care, Our Choice Act

**Description:**

Requires reimbursement for prescriptions issued pursuant to the our care, our choice act, regardless of the prescription drug coverage provisions of the patient's health insurance. Establishes penalties for pharmacies and pharmacists, or their agents, that refuse to honor prescriptions issued under the our care, our choice act.

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

