THE SENATE
THIRTY-FIRST LEGISLATURE, 2022
STATE OF HAWAII

S.B. NO. 2030

JAN 19 2022

A BILL FOR AN ACT

RELATING TO PRESCRIPTION DRUGS.

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

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

"**§329- Opioid prescription drugs; naloxone; when prescribed.** (a) Notwithstanding any other law, when prescribing an opioid or benzodiazepine medication to a patient, a prescriber shall do the following:

(1) Offer the patient a prescription for naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid-induced respiratory depression when one or more of the following conditions are present:

(A) The prescription dosage for the patient is ninety or more morphine milligram equivalents of an opioid medication per day;

(B) An opioid medication is prescribed within one year from the date a prescription for benzodiazepine has been dispensed to the patient; or

(C) The patient presents with an increased risk for opioid overdose, including a patient with a history of opioid overdose, a patient with a history of opioid use disorder, or a patient at risk for returning to a high dose of opioid medication to which the patient is no longer tolerant;

(2) Consistent with the existing standard of care, provide education to the patient on opioid overdose prevention and the use of naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid-induced respiratory depression; and

(3) Consistent with the existing standard of care, provide education on opioid overdose prevention and the use of naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the

complete or partial reversal of opioid-induced respiratory depression to one or more persons designated by the patient, or, for a patient who is a minor, to the minor's parent or guardian.

(b) A prescriber shall not be required to provide the education specified in paragraphs (2) or (3) of subsection (a) if the patient receiving the prescription declines the education or has received the education within the past twenty-four months.

(c) This section shall not apply to a prescriber under any of the following circumstances:

(1) When prescribing to an inmate under the jurisdiction of the department of public safety, division of corrections; or a youth under the jurisdiction of the department of human services;

(2) When ordering medications to be administered to a patient while the patient is in either an inpatient or outpatient setting; or

(3) When prescribing medications to a patient who is terminally ill.

(d) A prescriber who fails to offer a prescription as required by subsection (a), or who fails to provide the education and use information required by paragraphs (2) and (3) of subsection (a), shall be referred to the appropriate licensing board for administrative sanctions deemed appropriate by that board. This section shall not create a private right of action against the prescriber and shall not limit a prescriber's liability for the negligent failure to diagnose or treat a patient."

SECTION 2. Section 461-11.8, Hawaii Revised Statutes, is amended to read as follows:

"**§461-11.8 Opioid antagonist; authority to prescribe and dispense; requirements.** (a) A pharmacist, acting in good faith and exercising reasonable care, may prescribe and dispense an opioid antagonist to an individual who is at risk for an opioid overdose or a family member or caregiver of an individual who is at risk of an opioid overdose regardless of whether the individual has evidence of a previous prescription for an opioid antagonist from a practitioner authorized to prescribe opioids. The opioid antagonist prescribed and dispensed for a family member or caregiver of an individual who is at risk for an

opioid overdose may be prescribed and dispensed in the name of the individual who is to be treated with the opioid antagonist or in the name of the individual who is requesting the opioid antagonist, or an "Opioid Antagonist Recipient" or "OAR".

(b) A pharmacist who dispenses a prescribed order for a prescription drug that is an opioid shall inform the individual of the potential dangers of a high dose of an opioid, as described by the federal Centers for Disease Control and Prevention in the United States Department of Health and Human Services, and offer to dispense to the individual to whom the opioid is being dispensed, on at least an annual basis, an opiate antagonist approved by the Food and Drug Administration for the reversal of an opioid overdose if:

(1) The individual is, at the same time, prescribed a benzodiazepine, a sedative hypnotic drug, carisoprodol, tramadol, or gabapentin; or

(2) The opioid prescription is at or in excess of ninety morphine milligram equivalent, as described in the guidelines of the federal Centers for Disease Control and Prevention.

This subsection shall not apply to a pharmacist who dispenses a prescription drug to an individual who is in hospice care, palliative care, or a resident in a community living center operated by the United States Department of Veterans Affairs.

[~~(b)~~] (c) A pharmacist who prescribes and dispenses opioid antagonists pursuant to [~~subsection (a)~~] this section shall:

(1) Complete a training program related to prescribing opioid antagonists that is approved by the Accreditation Council for Pharmacy Education (ACPE), a curriculum-based program from an ACPE-accredited college of pharmacy, a state or local health department program, or a program recognized by the board;

(2) Provide the individual who is receiving the opioid antagonist with information and written educational material on risk factors of opioid overdose, signs of an overdose, overdose response steps, and the use of the opioid antagonist; [~~and~~]

(3) Dispense the opioid antagonist to the individual who is at risk for an opioid overdose, family member,

caregiver, or individual requesting the opioid antagonist for an individual at risk for an opioid overdose as soon as practicable after the pharmacist issues the prescription[~~.~~]; and

(4) Notify the individual who is receiving the opioid antagonist of available generic and brand-name opiate antagonists."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval; provided that the amendments made to section 461-11.8, Hawaii Revised Statutes, by section 2 of this Act shall not be repealed when that section is repealed and reenacted on June 30, 2024, pursuant to section 4 of Act 255, Session Laws of Hawaii 2019.

INTRODUCED BY: _____

S.B. NO. 2030

Report Title:
Opioids; Naloxone; Opioid Antagonist; Pharmacists; Prescribing; Dispensing

Description:
Requires a prescriber to offer a prescription of certain drugs under certain circumstances related to opioid overdose. Requires a prescriber to offer patient education under certain circumstances related to opioid overdose. Requires a pharmacist who dispenses a prescription order for an opioid to notify the individual of the potential dangers of a high dose of an opioid and to offer to dispense to the individual an opioid antagonist; provided that the individual is prescribed specific opioids at specified doses. Exempts patients in hospice or palliative care and residents of veterans community living centers. Requires a pharmacist to notify an individual receiving an opioid antagonist of the availability of generic and brand-name opiate antagonists.

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