
A BILL FOR AN ACT

RELATING TO PRESCRIPTION DRUGS.

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 III to be appropriately
3 designated and to read as follows:

4 "§329- Opioid prescription drugs; naloxone; when
5 prescribed. (a) Notwithstanding any other law, when
6 prescribing an opioid or benzodiazepine medication to a patient,
7 a prescriber, shall do the following:

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

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



- 1 (B) An opioid medication is prescribed within one
2 year from the date a prescription for
3 benzodiazepine has been dispensed to the patient;
4 or
- 5 (C) The patient presents with an increased risk for
6 opioid overdose, including a patient with a
7 history of opioid overdose, a patient with a
8 history of opioid use disorder, or a patient at
9 risk for returning to a high dose of opioid
10 medication to which the patient is no longer
11 tolerant;
- 12 (2) Consistent with the existing standard of care, provide
13 education to the patient on opioid overdose prevention
14 and the use of naloxone hydrochloride or another drug
15 approved by the United States Food and Drug
16 Administration for the complete or partial reversal of
17 opioid-induced respiratory depression; and
- 18 (3) Consistent with the existing standard of care, provide
19 education on opioid overdose prevention and the use of
20 naloxone hydrochloride or another drug approved by the
21 United States Food and Drug Administration for the

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

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

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

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

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

18 (3) When prescribing medications to a patient who is
19 terminally ill; or

20 (4) When the prescriber is a veterinarian or when
21 prescribing for animals.



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

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

11 "**§461-11.8 Opioid antagonist; authority to prescribe and**
12 **dispense; requirements.** (a) A pharmacist, acting in good faith
13 and exercising reasonable care, may prescribe and dispense an
14 opioid antagonist to an individual who is at risk for an opioid
15 overdose or a family member or caregiver of an individual who is
16 at risk of an opioid overdose regardless of whether the
17 individual has evidence of a previous prescription for an opioid
18 antagonist from a practitioner authorized to prescribe opioids.
19 The opioid antagonist prescribed and dispensed for a family
20 member or caregiver of an individual who is at risk for an
21 opioid overdose may be prescribed and dispensed in the name of



1 the individual who is to be treated with the opioid antagonist
2 or in the name of the individual who is requesting the opioid
3 antagonist, or an "Opioid Antagonist Recipient" or "OAR".

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

- 13 (1) The individual is, at the same time, prescribed a
14 benzodiazepine, carisoprodol, or tramadol; or
15 (2) The opioid prescription is at or in excess of ninety
16 morphine milligram equivalent, as described in the
17 guidelines of the federal Centers for Disease Control
18 and Prevention.

19 This subsection shall not apply to a pharmacist who
20 dispenses a prescription drug to an individual who is in hospice
21 care, palliative care, a resident in a community living center



1 operated by the United States Department of Veterans Affairs, or
2 who dispenses a medication to be administered to a patient while
3 the patient is in either an inpatient or outpatient setting.

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

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

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

18 (3) Dispense the opioid antagonist to the individual who
19 is at risk for an opioid overdose, family member,
20 caregiver, or individual requesting the opioid
21 antagonist for an individual at risk for an opioid



1 overdose as soon as practicable after the pharmacist
2 issues the prescription[-]; and

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

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

8 SECTION 4. This Act shall take effect on January 1, 2050.



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. Exempts veterinarians or prescriptions for animals. 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, residents of veterans community living centers, patients in inpatient or outpatient care. Requires a pharmacist to notify an individual receiving an opioid antagonist of the availability of generic and brand-name opiate antagonists. Effective 1/1/2050. (SD2)

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