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# A BILL FOR AN ACT

RELATING TO PHARMACISTS.

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

1           SECTION 1. The legislature finds that on May 8, 2020, the  
2 Centers for Disease Control and Prevention reported that "the  
3 identified declines in routine pediatric vaccine ordering and  
4 doses administered might indicate that U.S. children and their  
5 communities face increased risks for outbreaks of vaccine  
6 preventable diseases" and suggested that a decrease in rates of  
7 routine childhood vaccinations were due to changes in health  
8 care access, social distancing, and other coronavirus disease  
9 2019 (COVID-19) pandemic mitigation strategies. The legislature  
10 also finds that during the 2018-2019 flu season, nearly a third  
11 of all adult influenza vaccines were provided at a community  
12 pharmacy. Pharmacies are vital to the State's health care  
13 system because of their convenient points of access in their  
14 communities. Additionally, pharmacists are trusted health care  
15 professionals who have established relationships with their  
16 patients and often offer extended hours and added convenience.  
17 Pharmacists are well positioned to increase access to



1 vaccinations, particularly in medically underserved areas or for  
2 certain populations who have a limited number of pediatricians  
3 or primary care providers.

4       The legislature further finds that amendments made to the  
5 federal Public Readiness and Emergency Preparedness Act, Pub. L.  
6 109-148, division C (PREP Act), during the COVID-19 pandemic  
7 authorized pharmacists and pharmacy interns to administer  
8 vaccines to persons three years of age or older. This  
9 authorization is currently slated to end on December 31, 2024.  
10 Prior to the amendments made to the PREP Act, Hawaii law only  
11 authorized pharmacists to administer a limited number of  
12 vaccines to children between the ages of eleven and seventeen  
13 and required a valid prescription before the vaccine could be  
14 administered.

15       The legislature finds that permanently codifying in state  
16 law the amendments to the PREP Act that authorize pharmacists to  
17 vaccinate persons three years of age or older will continue to  
18 allow and expand the role of trained and certified pharmacists  
19 to administer vaccines to their communities in Hawaii.  
20 Additionally, as the department of health has ceased offering  
21 flu vaccinations for school-aged children at department schools,



1 permanently authorizing pharmacists to vaccinate persons three  
2 years of age or older will ensure these children continue to be  
3 protected against influenza and other highly contagious  
4 diseases.

5 Accordingly, the purpose of this Act is to:

6 (1) Authorize licensed pharmacists to administer vaccines  
7 to persons three years of age or older;

8 (2) Authorize pharmacy interns and pharmacy technicians  
9 under the direct supervision of a licensed pharmacist  
10 to administer vaccines to persons three years of age  
11 or older, if certain requirements are met; and

12 (3) Authorize licensed pharmacists to order the  
13 administration of vaccines for persons three years of  
14 age or older.

15 SECTION 2. Section 461-1, Hawaii Revised Statutes, is  
16 amended by amending the definition of "practice of pharmacy" to  
17 read as follows:

18 ""Practice of pharmacy" means:

19 (1) The interpretation and evaluation of prescription  
20 orders; the compounding, dispensing, and labeling of  
21 drugs and devices (except labeling by a manufacturer,



1 packer, or distributor of nonprescription drugs and  
2 commercially legend drugs and devices); the  
3 participation in drug selection and drug utilization  
4 reviews; the proper and safe storage of drugs and  
5 devices and the maintenance of proper records  
6 therefor; the responsibility for advising when  
7 necessary or where regulated, of therapeutic values,  
8 content, hazards, and use of drugs and devices; and  
9 the interpretation and evaluation of prescription  
10 orders to adjust the supply dispensed for purposes of  
11 medication synchronization pursuant to section  
12 431:10A-606, 432:1-621, or 432D-30;

- 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"~~] health care facility and  
16 [~~"health care service"~~] health care service as defined  
17 in section 323D-2; [~~or a "pharmacy"; or a~~] pharmacy;  
18 licensed physician, [a] licensed physician assistant,  
19 or [a] licensed advanced practice registered nurse  
20 with prescriptive authority; or [~~a "managed care~~  
21 plan"] managed care plan as defined in section 432E-1,



1 in accordance with policies, procedures, or protocols  
2 developed collaboratively by health professionals,  
3 including physicians and surgeons, pharmacists,  
4 physician assistants, and registered nurses, and for  
5 which a pharmacist has received appropriate training  
6 required by these policies, procedures, or protocols:  
7 (A) Ordering or performing routine drug therapy  
8 related patient assessment procedures;  
9 (B) Ordering drug therapy related laboratory tests;  
10 (C) Initiating emergency contraception oral drug  
11 therapy in accordance with a written  
12 collaborative agreement approved by the board,  
13 between a licensed physician, physician  
14 assistant, or advanced practice registered nurse  
15 with prescriptive authority and a pharmacist who  
16 has received appropriate training that includes  
17 programs approved by the Accreditation Council  
18 for Pharmacy Education (ACPE), curriculum-based  
19 programs from an ACPE-accredited college of  
20 pharmacy, state or local health department  
21 programs, or programs recognized by the board;



- 1 (D) Administering drugs orally, topically, by  
2 intranasal delivery, or by injection, pursuant to  
3 the order of the patient's licensed physician,  
4 physician assistant, or advanced practice  
5 registered nurse with prescriptive authority, by  
6 a pharmacist having appropriate training that  
7 includes programs approved by the ACPE,  
8 curriculum-based programs from an ACPE-accredited  
9 college of pharmacy, state or local health  
10 department programs, or programs recognized by  
11 the board;
- 12 (E) Administering[+  
13 ~~(i) Immunizations]~~ immunizations orally, by  
14 injection, or by intranasal delivery, to  
15 persons [~~eighteen~~] three years of age or  
16 older by a pharmacist having appropriate  
17 training that includes programs approved by  
18 the ACPE, curriculum-based programs from an  
19 ACPE-accredited college of pharmacy, state  
20 or local health department programs, or  
21 programs recognized by the board[+]



1           ~~(ii) Vaccines to persons between fourteen and~~  
2           ~~seventeen years of age pursuant to section~~  
3           ~~461-11.4; and~~

4           ~~(iii) Human papillomavirus, Tdap (tetanus,~~  
5           ~~diphtheria, pertussis), meningococcal, and~~  
6           ~~influenza vaccines to persons between eleven~~  
7           ~~and seventeen years of age] pursuant to~~  
8           ~~section 461-11.4;~~

9           (F) As authorized by the written instructions of a  
10           licensed physician, physician assistant, or  
11           advanced practice registered nurse with  
12           prescriptive authority, initiating or adjusting  
13           the drug regimen of a patient pursuant to an  
14           order or authorization made by the patient's  
15           licensed physician, physician assistant, or  
16           advanced practice registered nurse with  
17           prescriptive authority and related to the  
18           condition for which the patient has been seen by  
19           the licensed physician, physician assistant, or  
20           advanced practice registered nurse with  
21           prescriptive authority; provided that the



1 pharmacist shall issue written notification to  
2 the patient's licensed physician, physician  
3 assistant, or advanced practice registered nurse  
4 with prescriptive authority or enter the  
5 appropriate information in an electronic patient  
6 record system shared by the licensed physician,  
7 physician assistant, or advanced practice  
8 registered nurse with prescriptive authority,  
9 within twenty-four hours;

10 (G) Transmitting a valid prescription to another  
11 pharmacist for the purpose of filling or  
12 dispensing;

13 (H) Providing consultation, information, or education  
14 to patients and health care professionals based  
15 on the pharmacist's training and for which no  
16 other licensure is required; or

17 (I) Prescribing and dispensing an opioid antagonist  
18 pursuant to section 461-11.8;

19 (3) The offering or performing of those acts, services,  
20 operations, or transactions necessary in the conduct,  
21 operation, management, and control of pharmacy;



- 1 (4) Prescribing and dispensing contraceptive supplies
- 2 pursuant to section 461-11.6; and
- 3 (5) Notwithstanding any other law to the contrary, and in
- 4 accordance with the requirements of section 461-11.2,
- 5 ordering, performing, and reporting the results of the
- 6 following CLIA-waived tests:
- 7 (A) Blood glucose;
- 8 (B) Hemoglobin A1C;
- 9 (C) Hepatitis C;
- 10 (D) Human immunodeficiency virus;
- 11 (E) Influenza;
- 12 (F) Respiratory syncytial virus;
- 13 (G) SARS-CoV-2; or
- 14 (H) Streptococcal pharyngitis."

15 SECTION 3. Section 461-8, Hawaii Revised Statutes, is  
16 amended by amending subsection (e) to read as follows:

17 "(e) A pharmacist who administers any vaccine to persons  
18 [~~between the ages of fourteen and seventeen years or administers~~  
19 ~~the human papillomavirus, Tdap (tetanus, diphtheria, pertussis),~~  
20 ~~meningococcal, or influenza vaccine to persons between eleven~~  
21 ~~and seventeen years of age]~~ three years of age or older pursuant



1 to section 461-11.4 shall complete a training program approved  
2 by the board within every other biennial renewal period and  
3 submit proof of successful completion of the training program to  
4 the board[; ~~provided that the pharmacist shall meet these~~  
5 ~~requirements prior to~~] before administering any vaccine to  
6 persons [~~between the ages of fourteen and seventeen years or~~  
7 ~~administering the human papillomavirus, Tdap (tetanus,~~  
8 ~~diphtheria, pertussis), meningococcal, or influenza vaccine to~~  
9 ~~persons between eleven and seventeen years of age.~~] three years  
10 of age or older."

11 SECTION 4. Section 461-11.4, Hawaii Revised Statutes, is  
12 amended by amending subsections (a) through (d) to read as  
13 follows:

14 "(a) A pharmacist, pharmacy intern, or pharmacy technician  
15 under the direct supervision of a pharmacist may administer[+]

16 ~~(1) A vaccine to persons between fourteen and seventeen~~  
17 ~~years of age pursuant to a valid prescription; and~~

18 ~~(2) A human papillomavirus, Tdap (tetanus, diphtheria,~~  
19 ~~pertussis), meningococcal, or influenza vaccine to~~  
20 ~~persons between eleven and seventeen years of age~~  
21 ~~pursuant to a valid prescription.~~



1 ~~The pharmacist]~~ a vaccine to a person three years of age or  
2 older; provided that:

3 (1) The vaccine is authorized or approved by the United  
4 States Food and Drug Administration;

5 (2) The vaccine has been ordered by a pharmacist and  
6 administered in accordance with the recommendations of  
7 the Advisory Committee on Immunization Practices of  
8 the United States Department of Health and Human  
9 Services;

10 (3) The pharmacy intern has completed a practical training  
11 program approved by the Accreditation Council for  
12 Pharmacy Education that includes hands-on injection  
13 technique, clinical evaluation of indications and  
14 contraindications of vaccines, and the recognition and  
15 treatment of emergency responses to vaccines;

16 (4) The pharmacy technician has completed a practical  
17 training program approved by the Accreditation Council  
18 for Pharmacy Education that includes hands-on  
19 injection technique;

20 (5) The pharmacy technician has a Certified Pharmacy  
21 Technician certification from either the Pharmacy



- 1           Technician Certification Board or National  
2           Healthcareer Association;  
3       (6) The pharmacist, pharmacy intern, or pharmacy  
4           technician has a current certificate in basic  
5           cardiopulmonary resuscitation;  
6       (7) The pharmacist or pharmacy technician has completed a  
7           minimum of two credit hours in immunization-related  
8           continuing education courses during each licensing  
9           biennium;  
10       (8) The pharmacist is in compliance with all applicable  
11           recordkeeping and reporting requirements, including  
12           complying with adverse events reporting requirements;  
13       (9) The pharmacist, pharmacy intern, or pharmacy  
14           technician has reviewed the patient's vaccination  
15           records before administering the vaccine;  
16       (10) The pharmacist has informed the patient and the  
17           patient's primary guardian or caregiver of the  
18           importance of a well-child visit with a pediatrician  
19           or other licensed primary care provider and has  
20           referred the patient as appropriate; and



1        (11) Where a prescription has been ordered by a person  
2            other than the pharmacist, the pharmacist, pharmacy  
3            intern, or pharmacy technician shall verify that the  
4            prescriber or the prescriber's authorized agent is the  
5            patient's medical home.

6        (b) After the vaccination is administered, the pharmacist,  
7        pharmacy intern, or pharmacy technician under the direct  
8        supervision of a pharmacist shall immediately provide to the  
9        patient a vaccination record including the following  
10       information:

- 11            (1) The patient's name and date of birth;
- 12            (2) The type of vaccine administered; and
- 13            (3) The date and location that the vaccine was  
14            administered.

15        (c) The pharmacist, pharmacy intern, or pharmacy  
16        technician under the direct supervision of a pharmacist shall  
17        make a good faith effort to provide within seventy-two hours to  
18        the medical home and within five business days to the department  
19        of health immunization registry the same information provided to  
20        the patient pursuant to subsection (b) as well as the following:



- 1 (1) The name of the vaccine product that was administered,  
2 including the manufacturer, lot number, and expiration  
3 date;
- 4 (2) The method of administration; and
- 5 (3) The anatomical site of administration.
- 6 (d) All ~~[pharmacists who administer vaccines to persons~~  
7 ~~between the ages of fourteen and seventeen years or administer~~  
8 ~~human papillomavirus, Tdap (tetanus, diphtheria, pertussis),~~  
9 ~~meningococcal, and influenza vaccines to persons between the~~  
10 ~~ages of eleven and seventeen years shall complete a training~~  
11 ~~program approved by the Accreditation Council of Pharmacy~~  
12 ~~Education for which a certificate of completion is issued. The~~  
13 ~~pharmacist]~~ pharmacy interns or pharmacy technicians who  
14 administer vaccines to persons three years of age or older shall  
15 complete the training program required by subsection (a) and  
16 submit the completion certificate for the training program to  
17 the board [prior to] before administering any vaccine to persons  
18 [between the ages of fourteen and seventeen years and prior to  
19 administering any human papillomavirus, Tdap (tetanus,  
20 diphtheria, pertussis), meningococcal, or influenza vaccine to



1 ~~persons between the ages of eleven and seventeen years.]~~ three  
2 years of age or older."

3 SECTION 5. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on January 1, 2025.



**Report Title:**

Pharmacists; Pharmacy Interns; Pharmacy Technicians; Minors;  
Vaccinations

**Description:**

Authorizes pharmacists to administer vaccines to persons three years of age or older. Authorizes pharmacy interns and pharmacy technicians under the direct supervision of a pharmacist to administer vaccinations to persons three years of age or older, if certain requirements are met. Authorizes pharmacists to order vaccines for administration to persons three years of age or older. Effective 1/1/2025. (CD1)

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

