
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 COVID-19 mitigation
9 strategies. The legislature also finds that during the 2018-
10 2019 flu season, nearly a third of all adult influenza vaccines
11 were provided at a community pharmacy. Pharmacies are vital to
12 the State's health care system because of their convenient
13 points of access in their communities. Additionally,
14 pharmacists are trusted health care professionals who have
15 established relationships with their patients and often offer
16 extended hours and added convenience. Pharmacists are well
17 positioned to increase access to vaccinations, particularly in



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

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

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



1 children between the ages of three and seventeen will ensure
2 these children continue to be protected against influenza and
3 other highly contagious diseases.

4 Accordingly, the purpose of this Act is to:

- 5 (1) Authorize licensed pharmacists to administer vaccines
6 to persons three years of age or older;
- 7 (2) Authorize pharmacy interns and pharmacy technicians
8 under the direct supervision of a pharmacist to
9 administer vaccines to persons between the ages of
10 three and seventeen, if certain requirements are met;
11 and
- 12 (3) Authorize licensed pharmacists to order the
13 administration of vaccines for persons between the
14 ages of three and seventeen.

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;] pursuant to section 461-~~
9 ~~11.4;~~

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



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

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

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

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



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

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

20 "(e) A pharmacist who administers any vaccine to persons
 21 between the ages of [~~fourteen~~] three and seventeen years [~~or~~

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

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

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

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

20 ~~(2) A human papillomavirus, Tdap (tetanus, diphtheria,~~
21 ~~pertussis), meningococcal, or influenza vaccine to~~



1 ~~persons between eleven and seventeen years of age~~
2 ~~pursuant to a valid prescription.~~

3 ~~The pharmacist]~~ a vaccine to a person between three and
4 seventeen years of age; provided that:

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

7 (2) The vaccine has been ordered by a pharmacist and
8 administered in accordance with the recommendations of
9 the United States Centers for Disease Control and
10 Prevention's Advisory Committee on Immunization
11 Practices;

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

19 (4) The pharmacist, pharmacy intern, or pharmacy
20 technician has a current certificate in basic
21 cardiopulmonary resuscitation;



- 1 (5) The pharmacist has completed a minimum of two credit
2 hours in immunization-related continuing education
3 courses during each licensing biennium;
- 4 (6) The pharmacist is in compliance with all applicable
5 recordkeeping and reporting requirements, including
6 complying with adverse events reporting requirements;
- 7 (7) The pharmacist, pharmacy intern, or pharmacy
8 technician has reviewed the patient's vaccination
9 records prior to administering the vaccine;
- 10 (8) The pharmacist has informed the patient and the
11 patient's primary guardian or caregiver of the
12 importance of a well-child visit with a pediatrician
13 or other licensed primary care provider and has
14 referred the patient as appropriate; and
- 15 (9) Where a prescription has been ordered by a person
16 other than the pharmacist, the pharmacist, pharmacy
17 intern, or pharmacy technician shall verify that the
18 prescriber or the prescriber's authorized agent is the
19 patient's medical home.
- 20 (b) After the vaccination is administered, the pharmacist,
21 pharmacy intern, or pharmacy technician under the direct



1 supervision of a pharmacist shall immediately provide to the
2 patient a vaccination record including the following
3 information:

- 4 (1) The patient's name and date of birth;
- 5 (2) The type of vaccine administered; and
- 6 (3) The date and location that the vaccine was
7 administered.

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

- 14 (1) The name of the vaccine product that was administered,
15 including the manufacturer, lot number, and expiration
16 date;
- 17 (2) The method of administration; and
- 18 (3) The anatomical site of administration.

19 (d) ~~All~~ In addition to the requirements of subsection
20 (a), all pharmacists, pharmacy interns, and pharmacy technicians
21 under the direct supervision of a pharmacist who administer



1 vaccines to persons between the ages of [~~fourteen~~] three and
2 seventeen years [~~or administer human papillomavirus, Tdap~~
3 ~~(tetanus, diphtheria, pertussis), meningococcal, and influenza~~
4 ~~vaccines to persons between the ages of eleven and seventeen~~
5 ~~years]~~ shall complete a training program approved by the
6 Accreditation Council of Pharmacy Education for which a
7 certificate of completion is issued. The pharmacist, pharmacy
8 intern, or pharmacy technician shall complete the training
9 program and submit the completion certificate for the training
10 program to the board prior to administering any vaccine to
11 persons between the ages of [~~fourteen~~] three and seventeen years
12 [~~and prior to administering any human papillomavirus, Tdap~~
13 ~~(tetanus, diphtheria, pertussis), meningococcal, or influenza~~
14 ~~vaccine to persons between the ages of eleven and seventeen~~
15 ~~years]~~."

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

18 SECTION 6. This Act shall take effect on July 1, 3000.



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 between the ages of three and seventeen, if certain requirements are met. Authorizes pharmacists to order vaccines for administration to persons between the ages of three and seventeen. Effective 7/1/3000.
(HD2)

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

