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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 recent changes to  
2 the immunization recommendations provided by the Advisory  
3 Committee on Immunization Practices of the United States  
4 Department of Health and Human Services differ significantly  
5 from established medical standards and practice, such as the  
6 immunization recommendations provided by the American Academy of  
7 Pediatrics. The legislature also finds that insurance companies  
8 have only publicly committed to providing coverage of vaccines  
9 that were part of the Advisory Committee's recommendations made  
10 before September 2025 until the end of 2026. However, to  
11 protect the freedom of choice for the people of Hawaii to  
12 comprehensively consider the full range of prevailing medical  
13 standards when it comes to childhood immunization, there must be  
14 clarity regarding what their insurance will cover.

15           The legislature further finds that the loss of no-cost  
16 access to these preventive services would likely increase  
17 out-of-pocket health care expenses for Hawaii residents, causing



1 many individuals to delay or forego preventive care. Such  
2 delays would increase the risk of infectious disease outbreaks  
3 and contribute to the growing burden of chronic disease across  
4 the State.

5 Accordingly, the purpose of this Act is to reduce  
6 confusion, reduce barriers, and ensure access to science-based  
7 clinical preventive services for those that choose to receive  
8 these services.

9 SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
10 amended by adding a new section to part II to be appropriately  
11 designated and to read as follows:

12 "§321- Preventive services; immunity. (a) No person  
13 shall be subject to civil or criminal liability or professional  
14 disciplinary action or deemed to have engaged in unprofessional  
15 conduct for providing clinical preventive services in accordance  
16 with recommendations made pursuant to section 321-31.

17 (b) No professional organization or association, health  
18 care provider, or health care facility shall subject any person  
19 to discipline, suspension, loss of license, loss of privileges,  
20 loss of membership, or other penalty for providing clinical

1 preventive services in accordance with recommendations made  
2 pursuant to section 321-31.

3 (c) Nothing in this section shall be construed to limit,  
4 restrict, or prohibit any claim, cause of action, or right of  
5 recovery against any person or entity for injury arising from  
6 negligence."

7 SECTION 3. Chapter 431, Hawaii Revised Statutes, is  
8 amended by adding a new section to article 10A, part I, to be  
9 appropriately designated and to read as follows:

10 **"§431:10A- Preventive services coverage; department of**  
11 **health recommendations.** (a) Each individual policy of accident  
12 and health or sickness insurance delivered or issued for  
13 delivery in the State on or after January 1, 2027, shall provide  
14 coverage, without any deductible, copayment, coinsurance, or  
15 other cost-sharing requirements, for clinical preventive  
16 services recommended by the department of health pursuant to  
17 section 321-31.

18 (b) Coverage under this section shall include items and  
19 services furnished by a provider acting within the scope of the  
20 provider's license.



1        (c) This section shall not be construed to limit any  
2 broader coverage or benefits related to preventive services  
3 otherwise required under this chapter.

4        (d) This section shall not apply to disability income,  
5 specified disease, medicare supplement, hospital indemnity  
6 policies, or any health insurance policy for which federal law  
7 would require the State to pay the defrayal cost of otherwise  
8 noncovered state mandated benefits."

9        SECTION 4. Chapter 432, Hawaii Revised Statutes, is  
10 amended by adding a new section to article I, part VI, to be  
11 appropriately designated and to read as follows:

12        **"§432:1-        Preventive services coverage; department of**  
13 **health recommendations.** (a) Each individual or group hospital  
14 and medical service plan contract delivered or issued for  
15 delivery in the State on or after January 1, 2027, shall provide  
16 coverage, without any deductible, copayment, coinsurance, or  
17 other cost-sharing requirements, for clinical preventive  
18 services recommended by the department of health pursuant to  
19 section 321-31.



1       (b) Coverage under this section shall include items and  
2 services furnished by a provider acting within the scope of the  
3 provider's license.

4       (c) This section shall not be construed to limit any  
5 broader coverage or benefits related to preventive services  
6 otherwise required under this chapter.

7       (d) This section shall not apply to disability income,  
8 specified disease, medicare supplement, hospital indemnity  
9 policies, or any health insurance policy for which federal law  
10 would require the State to pay the defrayal cost of otherwise  
11 noncovered state mandated benefits."

12       SECTION 5. Section 321-31, Hawaii Revised Statutes, is  
13 amended to read as follows:

14       "**§321-31 Functions of the department.** The powers, duties,  
15 and functions of the department of health relating to preventive  
16 medicine shall be as follows:

17       (1) To supervise and coordinate activities in the fields  
18 of preventive medicine, including cancer control,  
19 crippled children, epidemiology, geriatrics,  
20 laboratories, maternal and child health, mental  
21 hygiene, nutrition, and communicable diseases;



- 1           (2) To formulate and put into effect throughout the State
- 2           educational programs for the purposes of preventing
- 3           and reducing disease and disability;
- 4           (3) To engage in the collection and analysis of
- 5           statistical information pertinent to any of its
- 6           activities;
- 7           (4) To cooperate with and propose methods and programs to
- 8           other governmental agencies relating to the fields of
- 9           preventive medicine;
- 10          (5) To serve as the coordinating agency for programs
- 11          ~~[which]~~ that provide for a range of child abuse and
- 12          neglect prevention services in relation to assessed
- 13          needs, regardless of whether the programs are
- 14          conducted by the department, other government
- 15          agencies, or private organizations and to coordinate
- 16          the prevention programs with child abuse and neglect
- 17          treatment services; provided that this paragraph shall
- 18          not be interpreted to compel a specified level of
- 19          services; ~~[and]~~
- 20          (6) To make recommendations relating to clinical
- 21          preventive service recommendations of the United

1           States Preventive Services Task Force that have been  
2           assigned a grade of A or B as of July 1, 2025, and  
3           relating to immunizations;

4           (7) To issue standing orders for medications and  
5           immunizations; and

6           ~~(+6)~~ (8) To perform such other appropriate functions as  
7           may be required."

8           SECTION 6. Section 431:10A-115.5, Hawaii Revised Statutes,  
9           is amended as follows:

10           1. By amending subsections (b) and (c) to read:

11           "(b) Child health supervision services shall include  
12           twelve visits at approximately the following intervals: birth;  
13           two months; four months; six months; nine months; twelve months;  
14           fifteen months; eighteen months; two years; three years; four  
15           years; and five years. Services to be covered at each visit  
16           shall include a history, physical examination, developmental  
17           assessment, anticipatory guidance, immunizations, and laboratory  
18           tests, in keeping with the prevailing medical standards. ~~[For~~  
19           ~~purposes of this subsection, the term "prevailing medical~~  
20           ~~standards" means the recommendations of the Advisory Committee~~  
21           ~~on Immunization Practices of the United States Department of~~



1 ~~Health and Human Services and the American Academy of~~  
2 ~~Pediatrics; provided that if the recommendations of the~~  
3 ~~committee and the academy differ, the department of health shall~~  
4 ~~determine which recommendations shall apply.]~~

5 (c) Minimum benefits may be limited to one visit payable  
6 to one provider for all of the services provided at each visit  
7 cited in this section, except that the limitations authorized by  
8 this subsection shall not apply to immunizations [~~recommended by~~  
9 ~~the Advisory Committee on Immunization Practices of the United~~  
10 ~~States Department of Health and Human Services and the American~~  
11 ~~Academy of Pediatrics; provided that if the recommendations of~~  
12 ~~the committee and the academy differ, the department of health~~  
13 ~~shall determine which recommendations shall apply.] in keeping  
14 with the prevailing medical standards."~~

15 2. By amending subsection (e) to read:

16 "(e) For the purposes of this section[, ~~"child~~]:

17 "Child health supervision services" means

18 physician-delivered, physician-supervised, physician

19 assistant-delivered, or nurse-delivered services as defined by

20 section 457-2 ("registered nurse"), l which shall include as the



1 minimum benefit coverage for services delivered at intervals and  
2 scope stated in this section.

3 "Prevailing medical standards" means the recommendations of  
4 the Advisory Committee on Immunization Practices of the United  
5 States Department of Health and Human Services and the American  
6 Academy of Pediatrics, or the recommendations of the department  
7 of health made pursuant to section 321-31; provided that if  
8 these recommendations differ, the department of health shall  
9 determine which recommendations shall apply."

10 SECTION 7. Section 431:10A-206.5, Hawaii Revised Statutes,  
11 is amended as follows:

12 1. By amending subsections (b) and (c) to read:

13 "(b) Child health supervision services shall include  
14 twelve visits at approximately the following intervals: birth;  
15 two months; four months; six months; nine months; twelve months;  
16 fifteen months; eighteen months; two years; three years; four  
17 years; and five years. Services to be covered at each visit  
18 shall include a history, physical examination, developmental  
19 assessment, anticipatory guidance, immunizations, and laboratory  
20 tests, in keeping with the prevailing medical standards. [~~For~~  
21 ~~purposes of this subsection, the term "prevailing medical~~



1 ~~standards" means the recommendations of the Advisory Committee~~  
2 ~~on Immunization Practices of the United States Department of~~  
3 ~~Health and Human Services and the American Academy of~~  
4 ~~Pediatrics; provided that if the recommendations of the~~  
5 ~~committee and the academy differ, the department of health shall~~  
6 ~~determine which recommendations shall apply.]~~

7 (c) Minimum benefits may be limited to one visit payable  
8 to one provider for all of the services provided at each visit  
9 cited in this section, except that the limitations authorized by  
10 this subsection shall not apply to immunizations [~~recommended by~~  
11 ~~the Advisory Committee on Immunization Practices of the United~~  
12 ~~States Department of Health and Human Services and the American~~  
13 ~~Academy of Pediatrics; provided that if the recommendations of~~  
14 ~~the committee and the academy differ, the department of health~~  
15 ~~shall determine which recommendations shall apply.] in keeping  
16 with the prevailing medical standards."~~

17 2. By amending subsection (e) to read:

18 "(e) For the purposes of this section[~~, "child~~]:

19 "Child health supervision services" means  
20 physician-delivered, physician-supervised, physician  
21 assistant-delivered, or nurse-delivered services as defined by

1 section 457-2 ("registered nurse"), which shall include as the  
2 minimum benefit coverage for services delivered at intervals and  
3 scope stated in this section.

4 "Prevailing medical standards" means the recommendations of  
5 the Advisory Committee on Immunization Practices of the United  
6 States Department of Health and Human Services and the American  
7 Academy of Pediatrics, or the recommendations of the department  
8 of health made pursuant to section 321-31; provided that if  
9 these recommendations differ, the department of health shall  
10 determine which recommendations shall apply."

11 SECTION 8. Section 431:10A-207, Hawaii Revised Statutes,  
12 is amended to read as follows:

13 "**§431:10A-207 Coverage for specific services.** Every  
14 person insured under a group or blanket disability insurance  
15 policy shall be entitled to the reimbursements and coverages  
16 specified in ~~[section]~~ sections 431:10A-116[-] and 431:10A-."

17 SECTION 9. Section 432:1-602.5, Hawaii Revised Statutes,  
18 is amended as follows:

19 1. By amending subsections (b) and (c) to read:

20 "(b) Child health supervision services shall include  
21 twelve visits at approximately the following intervals: birth;

1 two months; four months; six months; nine months; twelve months;  
2 fifteen months; eighteen months; two years; three years; four  
3 years; and five years. Services to be covered at each visit  
4 shall include a history, physical examination, developmental  
5 assessment, anticipatory guidance, immunizations, and laboratory  
6 tests, in keeping with the prevailing medical standards. [~~For~~  
7 ~~purposes of this subsection, the term "prevailing medical~~  
8 ~~standards" means the recommendations of the Advisory Committee~~  
9 ~~on Immunization Practices of the United States Department of~~  
10 ~~Health and Human Services and the American Academy of~~  
11 ~~Pediatrics; provided that if the recommendations of the~~  
12 ~~committee and the academy differ, the department of health shall~~  
13 ~~determine which recommendations shall apply.]~~

14 (c) Minimum benefits may be limited to one visit payable  
15 to one provider for all of the services provided at each visit  
16 cited in this section, except that the limitations authorized by  
17 this subsection shall not apply to immunizations [~~recommended by~~  
18 ~~the Advisory Committee on Immunization Practices of the United~~  
19 ~~States Department of Health and Human Services and the American~~  
20 ~~Academy of Pediatrics; provided that if the recommendations of~~  
21 ~~the committee and the academy differ, the department of health~~

1 ~~shall determine which recommendations shall apply.] in keeping~~  
2 with the prevailing medical standards."

3 2. By amending subsection (e) to read:

4 "(e) For the purposes of this section[~~,"child~~]:

5 "Child health supervision services" means  
6 physician-delivered, physician-supervised, physician  
7 assistant-delivered, or nurse-delivered services as defined by  
8 section 457-2 ("registered nurse"), which shall include as the  
9 minimum benefit coverage for services delivered at intervals and  
10 scope stated in this section.

11 "Prevailing medical standards" means the recommendations of  
12 the Advisory Committee on Immunization Practices of the United  
13 States Department of Health and Human Services and the American  
14 Academy of Pediatrics, or the recommendations of the department  
15 of health made pursuant to section 321-31; provided that if  
16 these recommendations differ, the department of health shall  
17 determine which recommendations shall apply."

18 SECTION 10. Section 432D:23, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "**§432D-23 Required provisions and benefits.**

21 Notwithstanding any provision of law to the contrary, each

1 policy, contract, plan, or agreement issued in the State after  
2 January 1, 1995, by health maintenance organizations pursuant to  
3 this chapter, shall include benefits provided in sections  
4 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116,  
5 431:10A-116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119,  
6 431:10A-120, 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126,  
7 431:10A-132, 431:10A-133, 431:10A-140, [~~and~~] 431:10A-134, and  
8 431:10A-\_\_\_, and chapter 431M."

9 SECTION 11. Section 432E-1.4, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11 "(a) For contractual purposes, a health intervention shall  
12 be covered if it is an otherwise covered category of service,  
13 not specifically excluded, recommended by the treating licensed  
14 health care provider, and determined by the health plan's  
15 medical director to be medically necessary as defined in  
16 subsection (b). Notwithstanding any determination under this  
17 section, coverage for any clinical preventive service for which  
18 coverage is required under state law or rule, including clinical  
19 preventive services recommended by the department of health  
20 pursuant to section 321-31, shall not be denied on the basis of  
21 medical necessity or subject to prior authorization, except as

1 permitted for reasonable medical management. A health  
2 intervention may be medically indicated and not qualify as a  
3 covered benefit or meet the definition of medical necessity. A  
4 managed care plan may choose to cover health interventions that  
5 do not meet the definition of medical necessity."

6 SECTION 12. Section 461-11.4, Hawaii Revised Statutes, is  
7 amended by amending its title and subsection (a) to read as  
8 follows:

9 "**S461-11.4 Vaccinations**~~[, children]~~. (a) A pharmacist,  
10 pharmacy intern, or registered pharmacy technician under the  
11 direct supervision of a registered pharmacist may administer a  
12 vaccine to a person three years of age or older; provided that:

13 (1) The vaccine is authorized or approved by the United  
14 States Food and Drug Administration~~[+]~~ for any  
15 indication;

16 (2) The vaccine has been ordered by a registered  
17 pharmacist and administered in accordance with the  
18 recommendations of the Advisory Committee on  
19 Immunization Practices of the United States Department  
20 of Health and Human Services~~[+]~~, or the department of  
21 health pursuant to section 321-31;



- 1 (3) The pharmacy intern has completed a practical training  
2 program approved by the Accreditation Council for  
3 Pharmacy Education that includes hands-on injection  
4 technique, clinical evaluation of indications and  
5 contraindications of vaccines, and the recognition and  
6 treatment of emergency responses to vaccines;
- 7 (4) The registered pharmacy technician has completed a  
8 practical training program approved by the  
9 Accreditation Council for Pharmacy Education that  
10 includes hands-on injection technique;
- 11 (5) The registered pharmacy technician has a Certified  
12 Pharmacy Technician certification from either the  
13 Pharmacy Technician Certification Board or National  
14 Healthcareer Association;
- 15 (6) The registered pharmacist, pharmacy intern, or  
16 registered pharmacy technician has a current  
17 certificate in basic cardiopulmonary resuscitation;
- 18 (7) The registered pharmacist or registered pharmacy  
19 technician has completed a minimum of two credit hours  
20 in immunization-related continuing education courses  
21 during each licensing biennium;

- 1 (8) The registered pharmacist is in compliance with all  
2 applicable recordkeeping and reporting requirements,  
3 including complying with adverse events reporting  
4 requirements;
- 5 (9) The registered pharmacist, pharmacy intern, or  
6 registered pharmacy technician has reviewed the  
7 patient's vaccination records before administering the  
8 vaccine;
- 9 (10) The registered pharmacist has informed the patient and  
10 the patient's primary guardian or caregiver of the  
11 importance of a well-child visit with a pediatrician  
12 or other licensed primary care provider and has  
13 referred the patient as appropriate; and
- 14 (11) Where a prescription has been ordered by a person  
15 other than the registered pharmacist<sup>[7]</sup> or a standing  
16 order pursuant to section 321-31, the registered  
17 pharmacist, pharmacy intern, or registered pharmacy  
18 technician shall verify that the prescriber or the  
19 prescriber's authorized agent is the patient's medical  
20 home."



1 SECTION 13. Notwithstanding sections 23-51 and 23-52,  
2 Hawaii Revised Statutes, this Act shall be exempt from the  
3 requirements for an impact assessment report on proposed  
4 mandatory health insurance coverage.

5 SECTION 14. The benefit to be provided by health  
6 maintenance organizations corresponding to the benefit provided  
7 under section 431:10- , Hawaii Revised Statutes, if any, as  
8 contained in the amendment to section 432D-23, Hawaii Revised  
9 Statutes, in section 10 of this Act, shall take effect for all  
10 policies, contracts, plans, or agreements issued in the State on  
11 or after January 1, 2027.

12 SECTION 15. Notwithstanding any other law to the contrary,  
13 the coverage for evidence-based clinical preventive services  
14 required under sections 3, 4, 6, 7, 8, 9, 10, and 11 of this Act  
15 shall apply to all health benefits plans under chapter 87A,  
16 Hawaii Revised Statutes, issued in the State on or after  
17 January 1, 2027.

18 SECTION 16. This Act does not affect rights and duties  
19 that matured, penalties that were incurred, and proceedings that  
20 were begun before its effective date.



1 SECTION 17. If any provision of this Act, or the  
2 application thereof to any person or circumstances, triggers a  
3 cost to the State pursuant to title 45 Code of Federal  
4 Regulations section 155.170, that provision shall be repealed  
5 but does not affect other provisions or applications of the Act  
6 that can be given effect without triggering costs to the State  
7 pursuant to title 45 Code of Federal Regulations section  
8 155.170, and to this end the provisions of this Act are  
9 severable.

10 SECTION 18. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 19. This Act shall take effect on January 30,  
13 2050.



**Report Title:**

DOH; Insurance; Preventive Services Coverage; Recommendations; Standing Orders; Child Health Supervision Services; Immunization; Prevailing Medical Standards; Pharmacists; EUTF

**Description:**

Specifies that no person is subject to liability for providing clinical preventive services in accordance with Department of Health recommendations. Requires health insurers, mutual benefit societies, health maintenance organizations, and plans established by the Hawaii Employer-Union Health Benefits Trust to provide coverage for clinical preventive services. Authorizes the Department of Health to make recommendations relating to clinical preventive services and issue standing orders for medications and immunizations. Clarifies that, for coverage for child health supervision services, the prevailing medical standards include recommendations by the Department of Health. Specifies that coverage for clinical preventive services shall not be denied on the basis of medical necessity or subject to prior authorization. Specifies that a registered pharmacist may order a vaccine in accordance with the recommendations from the Department of Health. Exempts this measure from an Auditor impact assessment report. Effective 1/30/2050. (SD1)

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

