

S.B. NO. 3133

JAN 28 2026

A BILL FOR AN ACT

RELATING TO PREVENTIVE MEDICINE.

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

1 SECTION 1. The legislature finds that access to preventive
2 medicine, including evidence-based clinical preventive services,
3 is fundamental to maintaining and improving the health of the
4 people of Hawaii. These essential preventive benefits and
5 protections are increasingly placed in jeopardy due to
6 unwarranted skepticism towards long-established and
7 scientifically validated medical recommendations.

8 The legislature further finds that clinical preventive
9 services recommended by the Advisory Committee on Immunization
10 Practices and by the United States Preventive Services Task
11 Force, such as immunizations and other evidence-based preventive
12 interventions, are currently required to be covered by health
13 insurance without cost-sharing under the federal Patient
14 Protection and Affordable Care Act. However, if these
15 recommendations are withdrawn, invalidated, or otherwise no
16 longer recognized under federal law, these preventive medical
17 services may cease to be covered without cost-sharing.

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1 The loss of no-cost access to these preventive services
2 would likely increase out-of-pocket health care expenses for
3 Hawaii residents, causing many individuals to delay or forego
4 preventive care. Such delays would increase the risk of
5 infectious disease outbreaks and contribute to the growing
6 burden of chronic disease across the State.

7 Accordingly, the purpose of this Act is to ensure continued
8 access to preventive medicine by requiring coverage of evidence-
9 based clinical preventive services without cost-sharing for the
10 people of Hawaii.

11 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
12 amended by adding to part II three new sections to be
13 appropriately designated and to read as follows:

14 "**§321-A Hawaii preventive services advisory committee;**
15 **established.** (a) There is established within the department of
16 health the Hawaii preventive services advisory committee, which
17 shall serve in an advisory capacity to the department of health
18 on matters relating to clinical preventive services.

19 (b) The Hawaii preventive services advisory committee
20 shall be composed of ten members. The director of health or the
21 director's designee shall serve as an ex officio nonvoting chair
22 of the advisory committee and invite one representative from

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1 each of the following organizations to serve as the advisory
2 committee members:

3 (1) Hawaii chapter of the American Academy of Pediatrics;
4 (2) Hawaii chapter of the American Academy of Family
5 Physicians;
6 (3) Hawaii chapter of the American Academy of
7 Obstetricians and Gynecologists;
8 (4) Hawaii chapter of the American College of Physicians;
9 (5) Hawaii Association of Professional Nurses;
10 (6) Hawaii Medical Association;
11 (7) Hawaii Association of Health Plans;
12 (8) Healthcare Association of Hawaii; and
13 (9) Hawaii Primary Care Association, which may nominate a
14 consumer representative knowledgeable about consumer
15 perspectives or community aspects of clinical
16 prevention.

17 (c) The members of the Hawaii preventive services advisory
18 committee shall not be deemed officers or employees of the
19 State; provided that the members shall be subject to chapter 84.
20 Each member shall serve for a term of up to four years, as
21 determined by the director of health; provided that no members
22 shall serve more than eight consecutive years. The director of

1 health or the director's designee may designate staggered term
2 lengths for initial members, including terms of one, two, three,
3 or four years.

4 (d) There shall be no liability on the part of, and no
5 cause of action of any nature shall rise against, the Hawaii
6 preventive services advisory committee, the advisory committee
7 members, or the department of health for any act or omission
8 done in good faith in the performance of their duties in the
9 exercise of their functions under this section, including
10 development, adoption, issuance, or implementation of clinical
11 preventive service recommendations; provided that this
12 subsection shall not be construed to limit or affect the
13 liability of any person arising from the provision of direct
14 medical care.

15 (e) The members of the Hawaii preventive services advisory
16 committee shall serve without compensation but shall be
17 reimbursed for expenses, including travel expenses, necessary
18 for the performance of their duties.

19 **S321-B Hawaii preventive services advisory committee;**
20 **scope; duties.** (a) The scope of the Hawaii preventive services
21 advisory committee shall be limited to recommendations relating
22 to clinical preventive service recommendations of the United

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

4 (b) The Hawaii preventive services advisory committee
5 shall base its recommendations on the best available scientific
6 evidence and shall give due consideration to recommendations
7 issued by recognized national medical professional
8 organizations.

9 (c) The Hawaii preventive services advisory committee
10 shall make its recommendations independently of any
11 recommendations developed through, or in coordination with, any
12 multi-state alliance or agreement made for the purpose of
13 issuing clinical prevention service recommendations.

14 (d) The department of health shall consider
15 recommendations submitted by the Hawaii preventive services
16 advisory committee when issuing clinical preventive service
17 recommendations pursuant to section 321-31.

18 **§321-C Preventive services; immunity.** (a) No person
19 shall be subject to civil or criminal liability or professional
20 disciplinary action or deemed to have engaged in unprofessional
21 conduct for providing clinical preventive services in accordance
22 with recommendations made pursuant to section 321-31.

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1 (b) No professional organization or association, health
2 care provider, or health care facility shall subject any person
3 to discipline, suspension, loss of license, loss of privileges,
4 loss of membership, or other penalty for providing clinical
5 preventive services in accordance with recommendations made
6 pursuant to section 321-31.

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

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

14 "**S431:10A-** **Preventive services coverage; department of**
15 **health recommendations.** (a) All health insurance policies
16 delivered or issued for delivery in the State shall provide
17 coverage, without any deductible, copayment, coinsurance, or
18 other cost-sharing requirements, for clinical preventive
19 services recommended by the department of health pursuant to
20 section 321-31.

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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, or hospital indemnity
9 policies."

10 SECTION 4. Chapter 432, Hawaii Revised Statutes, is
11 amended by adding to article 1, part VI, a new section to be
12 appropriately designated and to read as follows:

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

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

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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, or hospital indemnity
6 policies."

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

9 **"§321-31 Functions of the department.** The powers, duties,
10 and functions of the department of health relating to preventive
11 medicine shall be as follows:

12 (1) To supervise and coordinate activities in the fields
13 of preventive medicine, including cancer control,
14 crippled children, epidemiology, geriatrics,
15 laboratories, maternal and child health, mental
16 hygiene, nutrition, and communicable diseases;
17 (2) To formulate and put into effect throughout the State
18 educational programs for the purposes of preventing
19 and reducing disease and disability;
20 (3) To engage in the collection and analysis of
21 statistical information pertinent to any of its
22 activities;

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1 (4) To cooperate with and propose methods and programs to
2 other governmental agencies relating to the fields of
3 preventive medicine;

4 (5) To serve as the coordinating agency for programs
5 [which] that provide for a range of child abuse and
6 neglect prevention services in relation to assessed
7 needs, regardless of whether the programs are
8 conducted by the department, other government
9 agencies, or private organizations and to coordinate
10 the prevention programs with child abuse and neglect
11 treatment services; provided that this paragraph shall
12 not be interpreted to compel a specified level of
13 services; [and]

14 (6) To make clinical preventive service recommendations
15 based on the recommendations of the Hawaii preventive
16 services advisory committee established pursuant to
17 section 321-A, or pursuant to an alliance entered into
18 with another state for the purpose of issuing clinical
19 preventive service recommendations;

20 (7) To issue standing orders for medications and
21 immunizations; and

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1 [+] (8) To perform such other appropriate functions as
2 may be required."

3 SECTION 6. Section 431:10A-115.5, Hawaii Revised Statutes,
4 is amended by amending subsections (b) and (c) to read as
5 follows:

6 "(b) Child health supervision services shall include
7 twelve visits at approximately the following intervals: birth;
8 two months; four months; six months; nine months; twelve months;
9 fifteen months; eighteen months; two years; three years; four
10 years; and five years. Services to be covered at each visit
11 shall include a history, physical examination, developmental
12 assessment, anticipatory guidance, immunizations, and laboratory
13 tests, in keeping with prevailing medical standards. For
14 purposes of this subsection, the term "prevailing medical
15 standards" means the recommendations of the Advisory Committee
16 on Immunization Practices of the United States Department of
17 Health and Human Services and the American Academy of
18 Pediatrics [+] , or the recommendations of the department of
19 health made pursuant to section 321-31; provided that if [the]
20 these recommendations [of the committee and the academy] differ,
21 the department of health shall determine which recommendations
22 shall apply.

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12 SECTION 7. Section 431:10A-206.5, Hawaii Revised Statutes,
13 is amended by amending subsections (b) and (c) to read as
14 follows:

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

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1 purposes of this subsection, the term "prevailing medical
2 standards" means the recommendations of the Advisory Committee
3 on Immunization Practices of the United States Department of
4 Health and Human Services and the American Academy of
5 Pediatrics [†], or the recommendations of the department of
6 health made pursuant to section 321-31; provided that if [the]
7 these recommendations [of the committee and the academy] differ,
8 the department of health shall determine which recommendations
9 shall apply.

10 (c) Minimum benefits may be limited to one visit payable
11 to one provider for all of the services provided at each visit
12 cited in this section, except that the limitations authorized by
13 this subsection shall not apply to immunizations recommended by
14 the Advisory Committee on Immunization Practices of the United
15 States Department of Health and Human Services and the American
16 Academy of Pediatrics [†], or the recommendations of the
17 department of health made pursuant to section 321-31; provided
18 that if [the] these recommendations [of the committee and the
19 academy] differ, the department of health shall determine which
20 recommendations shall apply."

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

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1 **"§431:10A-207 Coverage for specific services.** Every
2 person insured under a group or blanket disability insurance
3 policy shall be entitled to the reimbursements and coverages
4 specified in [section] sections 431:10A-116[–] and 431:10A- ."

5 SECTION 9. Section 431:26-103, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) Network adequacy requirements shall be as follows:

8 (1) A health carrier providing a network plan shall
9 maintain a network that is sufficient in numbers and
10 appropriate types of providers, including those that
11 serve predominantly low-income, medically underserved
12 individuals, to assure that all covered benefits will
13 be accessible without unreasonable travel or delay;

14 [and]

15 (2) Covered persons shall have access to emergency
16 services twenty-four hours per day, seven days per
17 week[–]; and

18 (3) The network shall include an adequate number and
19 geographic distribution of providers authorized to
20 furnish clinical preventive services for which
21 coverage is required under state law or rule,
22 including services recommended by the department of

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1 health pursuant to section 321-31, to ensure timely
2 access to those services without unreasonable travel
3 or delay."

4 SECTION 10. Section 432:1-602.5, Hawaii Revised Statutes,
5 is amended by amending subsections (b) and (c) to read as
6 follows:

7 "(b) Child health supervision services shall include
8 twelve visits at approximately the following intervals: birth;
9 two months; four months; six months; nine months; twelve months;
10 fifteen months; eighteen months; two years; three years; four
11 years; and five years. Services to be covered at each visit
12 shall include a history, physical examination, developmental
13 assessment, anticipatory guidance, immunizations, and laboratory
14 tests, in keeping with prevailing medical standards. For
15 purposes of this subsection, the term "prevailing medical
16 standards" means the recommendations of the Advisory Committee
17 on Immunization Practices of the United States Department of
18 Health and Human Services and the American Academy of
19 Pediatrics [†], or the recommendations of the department of
20 health made pursuant to section 321-31; provided that if [the]
21 these recommendations [of the committee and the academy] differ,

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1 the department of health shall determine which recommendations
2 shall apply.

3 (c) Minimum benefits may be limited to one visit payable
4 to one provider for all of the services provided at each visit
5 cited in this section, except that the limitations authorized by
6 this subsection shall not apply to immunizations recommended by
7 the Advisory Committee on Immunization Practices of the United
8 States Department of Health and Human Services and the American
9 Academy of Pediatrics[†], or the recommendations of the
10 department of health made pursuant to section 321-31; provided
11 that if [the] these recommendations [~~of the committee and the~~
12 ~~academy~~] differ, the department of health shall determine which
13 recommendations shall apply."

14 SECTION 11. Section 432D-23, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§432D-23 Required provisions and benefits.**

17 Notwithstanding any provision of law to the contrary, each
18 policy, contract, plan, or agreement issued in the State after
19 January 1, 1995, by health maintenance organizations pursuant to
20 this chapter, shall include benefits provided in sections
21 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-, 431:10A-
22 116, 431:10A-116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119,

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1 431:10A-120, 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126,
2 431:10A-132, 431:10A-133, 431:10A-140, and 431:10A-134, and
3 chapter 431M."

4 SECTION 12. Section 432E-1.4, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

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

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1 SECTION 13. Section 461-11.4, Hawaii Revised Statutes, is
2 amended by amending its title and subsection (a) to read as
3 follows:

4 **"§461-11.4 Vaccinations[; children].** (a) A pharmacist,
5 pharmacy intern, or pharmacy technician under the direct
6 supervision of a pharmacist may administer a vaccine to a person
7 three years of age or older; provided that:

8 (1) The vaccine is authorized or approved by the United
9 States Food and Drug Administration[+] for any
10 indication;

11 (2) The vaccine has been ordered by a pharmacist and
12 administered in accordance with the recommendations of
13 the Advisory Committee on Immunization Practices of
14 the United States Department of Health and Human
15 Services[+], or the department of health pursuant to
16 section 321-31;

17 (3) The pharmacy intern has completed a practical training
18 program approved by the Accreditation Council for
19 Pharmacy Education that includes hands-on injection
20 technique, clinical evaluation of indications and
21 contraindications of vaccines, and the recognition and
22 treatment of emergency responses to vaccines;

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- 1 (4) The pharmacy technician has completed a practical
- 2 training program approved by the Accreditation Council
- 3 for Pharmacy Education that includes hands-on
- 4 injection technique;
- 5 (5) The pharmacy technician has a Certified Pharmacy
- 6 Technician certification from either the Pharmacy
- 7 Technician Certification Board or National
- 8 Healthcareer Association;
- 9 (6) The pharmacist, pharmacy intern, or pharmacy
- 10 technician has a current certificate in basic
- 11 cardiopulmonary resuscitation;
- 12 (7) The pharmacist or pharmacy technician has completed a
- 13 minimum of two credit hours in immunization-related
- 14 continuing education courses during each licensing
- 15 biennium;
- 16 (8) The pharmacist is in compliance with all applicable
- 17 recordkeeping and reporting requirements, including
- 18 complying with adverse events reporting requirements;
- 19 (9) The pharmacist, pharmacy intern, or pharmacy
- 20 technician has reviewed the patient's vaccination
- 21 records before administering the vaccine;

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1 (10) The pharmacist has informed the patient and the
2 patient's primary guardian or caregiver of the
3 importance of a well-child visit with a pediatrician
4 or other licensed primary care provider and has
5 referred the patient as appropriate; and
6 (11) Where a prescription has been ordered by a person
7 other than the pharmacist [r] or a standing order
8 pursuant to section 321-31, the pharmacist, pharmacy
9 intern, or pharmacy technician shall verify that the
10 prescriber or the prescriber's authorized agent is the
11 patient's medical home."

12 SECTION 14. Notwithstanding section 23-51, Hawaii Revised
13 Statutes, this Act shall be exempt from the requirements for an
14 impact assessment report on proposed mandatory health insurance
15 coverage.

16 SECTION 15. The benefit to be provided by health
17 maintenance organizations corresponding to the benefit provided
18 under sections 431:10A- , Hawaii Revised Statutes, if any, as
19 contained in the amendment to section 432D-23, Hawaii Revised
20 Statutes, in section 11 of this Act, shall take effect for all
21 policies, contracts, plans, or agreements issued in the State
22 after January 1, 2027.

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1 SECTION 16. Notwithstanding any other law to the contrary,
2 the coverage for evidence-based clinical preventive services
3 required under sections 3, 4, 6, 7, 8, 10, 11, and 12 of this
4 Act shall apply to all health benefits plans under chapter 87A,
5 Hawaii Revised Statutes.

6 SECTION 17. This Act does not affect rights and duties
7 that matured, penalties that were incurred, and proceedings that
8 were begun before its effective date.

9 SECTION 18. In codifying the new sections added by section
10 2 and referenced in section 5 of this Act, the revisor of
11 statutes shall substitute appropriate section numbers for the
12 letters used in designating the new sections in this Act.

13 SECTION 19. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 20. This Act, upon its approval, shall take effect
16 on July 1, 2026.

17

18

INTRODUCED BY:



19 BY REQUEST

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Report Title:

DOH; Hawaii Preventive Services Advisory Committee; Insurance Coverage; Cost-Share; Standing Orders; Immunity; Sunrise Analysis Exemption

Description:

Establishes the Hawaii Preventive Services Advisory Committee and authorizes the Department of Health to issue preventive service recommendations. Requires health insurance coverage without cost-sharing for Department of Health-recommended clinical preventive services. Provides immunity for healthcare providers' and facilities' provision of recommended clinical preventive services.

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

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JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO PREVENTIVE MEDICINE.

PURPOSE: To establish the Hawaii Preventive Services Advisory Committee (HPSAC) and authorize the Department of Health to issue preventive service recommendations; to require health insurance coverage without cost-sharing for Department of Health-recommended clinical preventive services; and to provide immunity for healthcare providers' and facilities' provision of recommended clinical preventive services.

MEANS: Add three new sections to part II of chapter 321, Hawaii Revised Statutes (HRS); add a new section to part I of article 10A of chapter 431, HRS; add a new section to part VI of article 1 of chapter 432, HRS; and amend sections 321-31, 431:10A-115.5(b) and (c), 431:10A-206.5(b) and (c), 431:10A-207, 431:26-103(a), 432:1-602.5(b) and (c); 432D-23, 432E-1.4(a), and 461-11.4 (title) and (a), HRS.

JUSTIFICATION: Long-standing, evidence-based, and scientifically validated clinical practice guidelines for preventive medicine are increasingly at risk due to changing federal policies and priorities that may restrict access to vaccinations and other preventive services.

The HPSAC would develop supplemental or alternative clinical preventive service recommendations, grounded in the best available scientific evidence, to maintain continuity of care for Hawaii's residents. These recommendations would provide state-level guidance and flexibility for healthcare providers and insurers if changes in federal policy or funding restrict access to certain preventive services.

Impact on the public: This bill will help ensure that Hawaii's residents and healthcare providers continue to have access to evidence-based preventive medicine and essential public health services, even if federal policies or funding priorities change.

Impact on the department and other agencies: The Department of Commerce and Consumer Affairs may have additional regulatory functions relating to mandated benefits. The Department of Human Services may need to seek approval from the federal government for benefit changes to the Medicaid program.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HTH 131.

OTHER AFFECTED
AGENCIES: Department of Commerce and Consumer Affairs;
Department of Human Services.

EFFECTIVE DATE: Upon approval.