
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 the United States Preventive Services Task Force,
11 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15 recommendations are withdrawn, invalidated, or otherwise no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.



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 for Hawaii residents by:

- 9 (1) Establishing the Hawaii preventive services advisory
10 committee to serve in an advisory capacity to the
11 department of health on matters relating to clinical
12 preventive services;
- 13 (2) Authorizing the department of health to issue clinical
14 preventive service recommendations;
- 15 (3) Providing immunity for health care professionals who
16 provide clinical preventive services based on
17 recommendations of the department of health; and
- 18 (4) Requiring coverage of evidence-based clinical
19 preventive services without cost-sharing.



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

4 "§321-A Hawaii preventive services advisory committee;
5 established. (a) There is established within the department of
6 health the Hawaii preventive services advisory committee, which
7 shall serve in an advisory capacity to the department of health
8 on matters relating to clinical preventive services.

9 (b) The Hawaii preventive services advisory committee
10 shall be composed of ten members. The director of health or the
11 director's designee shall serve as an ex officio nonvoting chair
12 of the advisory committee and invite one representative from
13 each of the following organizations to serve as the advisory
14 committee members:

- 15 (1) American Academy of Pediatrics, Hawaii Chapter;
16 (2) Hawaii Academy of Family Physicians;
17 (3) American Academy of Obstetricians and Gynecologists,
18 Hawaii Section;
19 (4) American College of Physicians, Hawaii Chapter;
20 (5) Hawaii Association of Professional Nurses;
21 (6) Hawaii Medical Association;



1 (7) Hawaii Association of Health Plans;

2 (8) Healthcare Association of Hawaii;

3 (9) Hawaii Primary Care Association, which may nominate a

4 consumer representative knowledgeable about consumer

5 perspectives or community aspects of clinical

6 prevention; and

7 (10) Hawaii Academy of Nutrition and Dietetics, who may

8 nominate a representative who is a registered

9 dietitian nutritionist or licensed nutrition

10 professional.

11 (c) The members of the Hawaii preventive services advisory
12 committee shall be subject to chapter 84.

13 (d) Each member shall serve for a term of up to four
14 years, as determined by the director of health; provided that no
15 members shall serve more than eight consecutive years. The
16 director of health or the director's designee may designate
17 staggered term lengths for initial members, including terms of
18 one, two, three, or four years.

19 (e) The members of the Hawaii preventive services advisory
20 committee shall serve without compensation but shall be



1 reimbursed for expenses, including travel expenses, necessary
2 for the performance of their duties.

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

13 **§321-B Hawaii preventive services advisory committee;**
14 **scope; duties.** (a) The scope of the Hawaii preventive services
15 advisory committee shall be limited to recommendations relating
16 to clinical preventive service recommendations of the United
17 States Preventive Services Task Force that have been assigned a
18 grade of A or B as of July 1, 2025, and to recommendations
19 relating to immunizations.

20 (b) The Hawaii preventive services advisory committee
21 shall base its recommendations on the best available scientific



1 evidence and shall give due consideration to recommendations
2 issued by recognized national medical professional
3 organizations.

4 (c) The Hawaii preventive services advisory committee
5 shall make its recommendations independently of any
6 recommendations developed through, or in coordination with, any
7 multi-state alliance or agreement made for the purpose of
8 issuing clinical prevention service recommendations.

9 (d) The department of health shall consider
10 recommendations submitted by the Hawaii preventive services
11 advisory committee when issuing clinical preventive service
12 recommendations pursuant to section 321-31.

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

18 (b) No professional organization or association, health
19 care provider, or health care facility shall subject any person
20 to discipline, suspension, loss of license, loss of privileges,
21 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 and group policy
12 of accident and health or sickness insurance issued or renewed
13 in the State after January 1, 2027, shall provide coverage,
14 without any deductible, copayment, coinsurance, or other cost-
15 sharing requirements, for clinical preventive services
16 recommended by the department of health pursuant to section 321-
17 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 1, 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 hospital and
14 medical service plan contract delivered or issued for delivery
15 in the State after January 1, 2027, shall provide coverage,
16 without any deductible, copayment, coinsurance, or other cost-
17 sharing requirements, for clinical preventive services
18 recommended by the department of health pursuant to section 321-
19 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 medical service plan contract for which federal
10 law would require the State to pay the defrayal cost of
11 otherwise 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 clinical preventive service recommendations
21 based on the recommendations of the Hawaii preventive



1 services advisory committee established pursuant to
2 section 321-A, or pursuant to an alliance entered into
3 with another state for the purpose of issuing clinical
4 preventive service recommendations;

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

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

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

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



1 on Immunization Practices of the United States Department of
2 Health and Human Services and the American Academy of
3 Pediatrics[+], or the recommendations of the department of
4 health made pursuant to section 321-31; provided that if [the]
5 these recommendations [~~of the committee and the academy~~] differ,
6 the department of health shall determine which recommendations
7 shall apply.

8 (c) Minimum benefits may be limited to one visit payable
9 to one provider for all of the services provided at each visit
10 cited in this section, except that the limitations authorized by
11 this subsection shall not apply to immunizations recommended by
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
15 department of health made pursuant to section 321-31; provided
16 that if [the] these recommendations [~~of the committee and the~~
17 ~~academy~~] differ, the department of health shall determine which
18 recommendations shall apply."

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



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

18 (c) Minimum benefits may be limited to one visit payable
19 to one provider for all of the services provided at each visit
20 cited in this section, except that the limitations authorized by
21 this subsection shall not apply to immunizations recommended by



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

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

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

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

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

17 (1) A health carrier providing a network plan shall
18 maintain a network that is sufficient in numbers and
19 appropriate types of providers, including those that
20 serve predominantly low-income, medically underserved
21 individuals, to assure that all covered benefits will



1 be accessible without unreasonable travel or delay;
2 [and]

3 (2) Covered persons shall have access to emergency
4 services twenty-four hours per day, seven days per
5 week[-]; and

6 (3) The network shall include an adequate number and
7 geographic distribution of providers authorized to
8 furnish clinical preventive services for which
9 coverage is required under state law or rule,
10 including services recommended by the department of
11 health pursuant to section 321-31, to ensure timely
12 access to those services without unreasonable travel
13 or delay."

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

17 "(b) Child health supervision services shall include
18 twelve visits at approximately the following intervals: birth;
19 two months; four months; six months; nine months; twelve months;
20 fifteen months; eighteen months; two years; three years; four
21 years; and five years. Services to be covered at each visit



1 shall include a history, physical examination, developmental
2 assessment, anticipatory guidance, immunizations, and laboratory
3 tests, in keeping with prevailing medical standards. For the
4 purposes of this subsection, [~~the term~~] "prevailing medical
5 standards" means the recommendations of the Advisory Committee
6 on Immunization Practices of the United States Department of
7 Health and Human Services and the American Academy of
8 Pediatrics[+], or the recommendations of the department of
9 health made pursuant to section 321-31; provided that if [~~the~~]
10 these recommendations [~~of the committee and the academy~~] differ,
11 the department of health shall determine which recommendations
12 shall apply.

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



1 ~~academy~~] differ, the department of health shall determine which
2 recommendations shall apply."

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

5 "**§432D-23 Required provisions and benefits.**

6 Notwithstanding any provision of law to the contrary, each
7 policy, contract, plan, or agreement issued in the State after
8 January 1, 1995, by health maintenance organizations pursuant to
9 this chapter, shall include benefits provided in sections
10 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
11 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,
12 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,
13 431:10A-133, 431:10A-134, 431:10A-140, and [~~431:10A-134~~],
14 431:10A-___, and chapter 431M."

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

17 "(a) For contractual purposes, a health intervention shall
18 be covered if it is an otherwise covered category of service,
19 not specifically excluded, recommended by the treating licensed
20 health care provider, and determined by the health plan's
21 medical director to be medically necessary as defined in



1 subsection (b). Notwithstanding any determination under this
2 section, coverage for any clinical preventive service for which
3 coverage is required under state law or rule, including clinical
4 preventive services recommended by the department of health
5 pursuant to section 321-31, shall not be denied on the basis of
6 medical necessity or subject to prior authorization, except as
7 permitted for reasonable medical management. A health
8 intervention may be medically indicated and not qualify as a
9 covered benefit or meet the definition of medical necessity. A
10 managed care plan may choose to cover health interventions that
11 do not meet the definition of medical necessity."

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

15 "**§461-11.4 Vaccinations**~~[~~children~~]~~. (a) A pharmacist,
16 pharmacy intern, or registered pharmacy technician under the
17 direct supervision of a registered pharmacist may administer a
18 vaccine to a person three years of age or older; provided that:

19 (1) The vaccine is authorized or approved by the United
20 States Food and Drug Administration~~[~~]~~~~ for any
21 indication;



- 1 (2) The vaccine has been ordered by a registered
2 pharmacist and administered in accordance with the
3 recommendations of the Advisory Committee on
4 Immunization Practices of the United States Department
5 of Health and Human Services [~~7~~], or the department of
6 health pursuant to section 321-31;
- 7 (3) The pharmacy intern has completed a practical training
8 program approved by the Accreditation Council for
9 Pharmacy Education that includes hands-on injection
10 technique, clinical evaluation of indications and
11 contraindications of vaccines, and the recognition and
12 treatment of emergency responses to vaccines;
- 13 (4) The registered pharmacy technician has completed a
14 practical training program approved by the
15 Accreditation Council for Pharmacy Education that
16 includes hands-on injection technique;
- 17 (5) The registered pharmacy technician has a Certified
18 Pharmacy Technician certification from either the
19 Pharmacy Technician Certification Board or National
20 Healthcareer Association;



- 1 (6) The registered pharmacist, pharmacy intern, or
2 registered pharmacy technician has a current
3 certificate in basic cardiopulmonary resuscitation;
- 4 (7) The registered pharmacist or registered pharmacy
5 technician has completed a minimum of two credit hours
6 in immunization-related continuing education courses
7 during each licensing biennium;
- 8 (8) The registered pharmacist is in compliance with all
9 applicable recordkeeping and reporting requirements,
10 including complying with adverse events reporting
11 requirements;
- 12 (9) The registered pharmacist, pharmacy intern, or
13 registered pharmacy technician has reviewed the
14 patient's vaccination records before administering the
15 vaccine;
- 16 (10) The registered pharmacist has informed the patient and
17 the 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 registered pharmacist[7] or a standing
 3 order pursuant to section 321-31, the registered
 4 pharmacist, pharmacy intern, or registered pharmacy
 5 technician shall verify that the prescriber or the
 6 prescriber's authorized agent is the patient's medical
 7 home."

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

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

19 SECTION 16. Notwithstanding any other law to the contrary,
 20 the coverage for evidence-based clinical preventive services
 21 required under sections 3, 4, 6, 7, 8, 10, 11, and 12 of this



1 Act shall apply to all health benefits plans under chapter 87A,
2 Hawaii Revised Statutes, in the State.

3 SECTION 17. This Act does not affect rights and duties
4 that matured, penalties that were incurred, and proceedings that
5 were begun before its effective date.

6 SECTION 18. In codifying the new sections added by section
7 2 of this Act, the revisor of statutes shall substitute
8 appropriate section numbers for the letters used in designating
9 the new sections in this Act.

10 SECTION 19. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 20. This Act shall take effect on July 1, 3000.



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 to serve in an advisory capacity to the Department of Health on matters relating to clinical preventive services. Authorizes the Department of Health to issue clinical preventive service recommendations. Provides immunity for health care professionals who provide clinical preventive services based on recommendations of the Department of Health. Requires coverage of evidence-based clinical preventive services without cost-sharing. Effective 7/1/3000. (HD1)

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

