
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 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 out-
17 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 The purpose of this Act is to:

6 (1) Specify that no person is subject to liability for
7 providing clinical preventive services in accordance
8 with department of health recommendations;

9 (2) Require health insurers, mutual benefit societies,
10 health maintenance organizations, and plans issued by
11 the Hawaii employer-union health benefits trust fund
12 to provide coverage for clinical preventive services;

13 (3) Authorize the department of health to make
14 recommendations relating to clinical preventive
15 services and issue standing orders for medications and
16 immunizations;

17 (4) Clarify that for child health supervision services
18 coverage, the prevailing medical standards include
19 recommendations by the department of health;



1 (5) Prohibit the denial of coverage and prior
2 authorization for clinical preventive services based
3 on medical necessity; and

4 (6) Specify that a registered pharmacist may order a
5 vaccine in accordance with department of health
6 recommendations.

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

10 "§321- Preventive services; immunity. (a) No person
11 shall be subject to civil or criminal liability or professional
12 disciplinary action or deemed to have engaged in unprofessional
13 conduct for providing clinical preventive services in accordance
14 with recommendations made pursuant to section 321-31.

15 (b) No professional organization or association, health
16 care provider, or health care facility shall subject any person
17 to discipline, suspension, loss of license, loss of privileges,
18 loss of membership, or other penalty for providing clinical
19 preventive services in accordance with recommendations made
20 pursuant to section 321-31.



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

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

8 "§431:10A- Preventive services coverage; department of
9 health recommendations. (a) Each individual policy of accident
10 and health or sickness insurance delivered or issued for
11 delivery in the State beginning January 1, 2027, shall provide
12 coverage, without any deductible, copayment, coinsurance, or
13 other cost-sharing requirements, for clinical preventive
14 services recommended by the department of health pursuant to
15 section 321-31.

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

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



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

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

9 "§432:1- Preventive services coverage; department of
10 health recommendations. (a) Each individual or group hospital
11 or medical service plan contract delivered or issued for
12 delivery in the State beginning January 1, 2027, shall provide
13 coverage, without any deductible, copayment, coinsurance, or
14 other cost-sharing requirements, for clinical preventive
15 services recommended by the department of health pursuant to
16 section 321-31.

17 (b) Coverage under this section shall include items and
18 services furnished by a provider acting within the scope of the
19 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 5. Section 321-31, Hawaii Revised Statutes, is
10 amended to read as follows:

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

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

19 (2) To formulate and put into effect throughout the State
20 educational programs for the purposes of preventing
21 and reducing disease and disability;



- 1 (3) To engage in the collection and analysis of
2 statistical information pertinent to any of its
3 activities;
- 4 (4) To cooperate with and propose methods and programs to
5 other governmental agencies relating to the fields of
6 preventive medicine;
- 7 (5) To serve as the coordinating agency for programs
8 [~~which~~] that provide for a range of child abuse and
9 neglect prevention services in relation to assessed
10 needs, regardless of whether the programs are
11 conducted by the department, other government
12 agencies, or private organizations and to coordinate
13 the prevention programs with child abuse and neglect
14 treatment services; provided that this paragraph shall
15 not be interpreted to compel a specified level of
16 services; [and]
- 17 (6) To make recommendations relating to clinical
18 preventive service recommendations of the United
19 States Preventive Services Task Force that have been
20 assigned a grade of A or B as of July 1, 2025, and
21 relating to immunizations;



1 (7) To issue standing orders for medications and
2 immunizations; and
3 [~~6~~] (8) To perform such other appropriate functions as
4 may be required."

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

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

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



1 ~~committee and the academy differ, the department of health shall~~
2 ~~determine which recommendations 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];~~ provided that the limitations
6 authorized by this subsection shall not apply to immunizations
7 ~~[recommended by the Advisory Committee on Immunization Practices~~
8 ~~of the United States Department of Health and Human Services and~~
9 ~~the American Academy of Pediatrics; provided that if the~~
10 ~~recommendations of the committee and the academy differ, the~~
11 ~~department of health shall determine which recommendations shall~~
12 ~~apply.]~~ in keeping with the prevailing medical standards."

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

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

15 "Child health supervision services" means physician-

16 delivered, physician-supervised, physician assistant-delivered,

17 or nurse-delivered services as defined by section 457-2

18 ("registered nurse"), which shall include as the minimum benefit

19 coverage for services delivered at intervals and scope stated in

20 this section.



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

8 SECTION 7. Section 431:10A-206.5, 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];~~ provided that the limitations
8 authorized by this subsection shall not apply to immunizations
9 ~~[recommended by the Advisory Committee on Immunization Practices~~
10 ~~of the United States Department of Health and Human Services and~~
11 ~~the American Academy of Pediatrics; provided that if the~~
12 ~~recommendations of the committee and the academy differ, the~~
13 ~~department of health shall determine which recommendations shall~~
14 ~~apply.]~~ in keeping 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 physician-

18 delivered, physician-supervised, physician assistant-delivered,

19 or nurse-delivered services as defined by section 457-2

20 ("registered nurse"), which shall include as the minimum benefit



1 coverage for services delivered at intervals and scope stated in
2 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 8. Section 431:10A-207, Hawaii Revised Statutes,
11 is amended to read as follows:

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

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

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

19 "(b) Child health supervision services shall include
20 twelve visits at approximately the following intervals: birth;
21 two months; four months; six months; nine months; twelve months;



1 fifteen months; eighteen months; two years; three years; four
2 years; and five years. Services to be covered at each visit
3 shall include a history, physical examination, developmental
4 assessment, anticipatory guidance, immunizations, and laboratory
5 tests, in keeping with the prevailing medical standards. [~~For~~
6 ~~purposes of this subsection, the term "prevailing medical~~
7 ~~standards" means the recommendations of the Advisory Committee~~
8 ~~on Immunization Practices of the United States Department of~~
9 ~~Health and Human Services and the American Academy of~~
10 ~~Pediatrics; provided that if the recommendations of the~~
11 ~~committee and the academy differ, the department of health shall~~
12 ~~determine which recommendations 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~~]; provided that the limitations
16 authorized by this subsection shall not apply to immunizations
17 [~~recommended by the Advisory Committee on Immunization Practices~~
18 ~~of the United States Department of Health and Human Services and~~
19 ~~the American Academy of Pediatrics; provided that if the~~
20 ~~recommendations of the committee and the academy differ, the~~



1 ~~department of health shall determine which recommendations shall~~
2 ~~apply.] in keeping 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 physician-
6 delivered, physician-supervised, physician assistant-delivered,
7 or nurse-delivered services as defined by section 457-2
8 ("registered nurse"), which shall include as the minimum benefit
9 coverage for services delivered at intervals and scope stated in
10 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, 431:10A-
5 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,
6 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,
7 431:10A-133, 431:10A-134, 431:10A-140, and [~~431:10A-134,~~]
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 "**§461-11.4 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[7] 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
11 from 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 from January 1,
17 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 July 1, 3000.



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 issued by the Hawaii Employer-Union Health Benefits Trust Fund 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 child health supervision services coverage, the prevailing medical standards include recommendations by the Department of Health. Prohibits denial of coverage and prior authorization for clinical preventive services based on medical necessity. 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 7/1/3000. (HD3)

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

