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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 many patients who  
2 have been diagnosed with sexually transmitted diseases,  
3 including chlamydia and gonorrhea, have sexual partners who  
4 refuse to seek treatment. To prevent reinfection, adequate  
5 treatment of sexually transmitted diseases should include  
6 treatment of sexual partners. Expedited partner therapy is a  
7 partner treatment approach where partners of patients who test  
8 positive for certain sexually transmitted diseases are provided  
9 medication without previous medical evaluation.

10           The legislature further finds that because of expedited  
11 partner therapy's effectiveness in reducing reinfection rates,  
12 the Centers for Disease Control and Prevention has recommended  
13 its use since 2006 among heterosexual partners of patients  
14 diagnosed with chlamydia or gonorrhea when it is unlikely the  
15 partners will seek timely evaluation and treatment. The  
16 legislature additionally finds that Hawaii has high reported  
17 rates of chlamydia. The most recent Centers for Disease Control  
18 and Prevention data ranks Hawaii twenty-second in the nation for



1 reported chlamydia infection rates, with the disease peaking in  
2 the age group between fifteen and twenty-four years.

3 The legislature also finds that primary care providers,  
4 including persons licensed under chapter 453, Hawaii Revised  
5 Statutes, and advanced practice registered nurses with  
6 prescriptive authority under chapter 457, Hawaii Revised  
7 Statutes, currently diagnose and treat persons with sexually  
8 transmitted diseases. Expedited partner therapy will permit  
9 these health professionals to adequately treat sexually  
10 transmitted diseases and prevent reinfection through the  
11 treatment of sexual partners.

12 The purpose of this Act is to allow health professionals to  
13 provide expedited partner therapy, in accordance with Centers  
14 for Disease Control and Prevention guidelines and  
15 recommendations, to the heterosexual partners of a patient who  
16 has been diagnosed as having chlamydia or gonorrhea.

17 SECTION 2. Chapter 453, Hawaii Revised Statutes, is  
18 amended by adding a new part to be appropriately designated and  
19 to read as follows:

20 "PART . EXPEDITED PARTNER THERAPY

21 §453-A Definitions. As used in this part:



1 "Expedited partner therapy" means the indirect treatment of  
2 heterosexual partners of a patient who has been diagnosed as  
3 having a sexually transmitted disease through the dispensing or  
4 prescribing of antibiotic therapy for the treatment of the  
5 heterosexual partners to the patient without the physical  
6 examination of the heterosexual partners by a health  
7 professional.

8 "Health professional" means any of the following:

9 (1) A person licensed or otherwise authorized by law to  
10 practice medicine or surgery under this chapter and  
11 whose scope of practice includes the diagnosis and  
12 treatment of sexually transmitted diseases;

13 (2) An advanced practice registered nurse with  
14 prescriptive authority under chapter 457 and duly  
15 licensed in the State; or

16 (3) For the purpose of dispensing antibiotic therapy under  
17 this section, a pharmacist who is licensed or  
18 otherwise authorized to engage in the practice of  
19 pharmacy under chapter 461.

20 "Sexual activity" means sexual intercourse, cunnilingus,  
21 fellatio, anal intercourse, or any other intrusion, however  
22 slight, of any part of a person's body or of any object into the



1 genital or anal openings of another person's body, but emission  
2 of semen is not required.

3 "Sexually transmitted disease" means chlamydia or  
4 gonorrhea, as recommended by the Centers for Disease Control and  
5 Prevention for expedited partner therapy.

6 **§453-B Expedited partner therapy.** (a) A health  
7 professional may in addition to treating a patient, provide  
8 expedited partner therapy to the partners of the patient if all  
9 of the following requirements are met:

- 10 (1) The patient has a laboratory-confirmed or suspected  
11 clinical diagnosis of a sexually transmitted disease;
- 12 (2) The patient indicates that the patient has partners  
13 with whom the patient has engaged in sexual activity  
14 within the sixty-day period immediately preceding the  
15 diagnosis of a sexually transmitted disease; and
- 16 (3) The patient indicates that the patient's partners are  
17 unable or unlikely to seek clinical services in a  
18 timely manner.

19 (b) A health professional who provides expedited partner  
20 therapy as authorized in this section shall do all of the  
21 following:



- 1 (1) Dispense or prescribe antibiotic therapy in the name  
2 of the partners, if known, without the physical  
3 examination of the partners by the health  
4 professional. Notwithstanding any law to the  
5 contrary, if the name of the partners are not known,  
6 the health professional shall dispense or prescribe  
7 the antibiotic therapy in the name of "Expedited  
8 Partner Therapy";
- 9 (2) Convey to the patient that it is important to notify  
10 the patient's partners of the patient's diagnosis and  
11 that it is important for the partners to obtain  
12 medical care for a complete evaluation, testing for  
13 sexually transmitted diseases, counseling, and  
14 treatment;
- 15 (3) Distribute to the patient the information sheet  
16 developed pursuant to section 453-C; and
- 17 (4) Follow all Centers for Disease Control and Prevention  
18 guidelines related to the practices and  
19 recommendations for expedited partner therapy.
- 20 **§453-C Information sheet.** The department of health shall  
21 develop and, upon request, distribute to health professionals



1 subject to this part an information sheet that includes all of  
2 the following:

- 3 (1) A description of expedited partner therapy and its  
4 purpose;
- 5 (2) A notice that an individual who has been treated for a  
6 sexually transmitted disease should be retested after  
7 treatment to detect possible persistent or recurrent  
8 infection, including information on the timing of  
9 retesting, as recommended by the Centers for Disease  
10 Control and Prevention;
- 11 (3) A warning about the possible dangers of administering  
12 antibiotic therapy to a pregnant individual;
- 13 (4) Information about antibiotics dispensed or prescribed  
14 and dosages of those antibiotics dispensed or  
15 prescribed, as recommended by the Centers for Disease  
16 Control and Prevention;
- 17 (5) A warning about the risk of allergies to and drug  
18 interactions with the antibiotics described in  
19 paragraph (4);
- 20 (6) Information about sexually transmitted diseases, the  
21 treatment of sexually transmitted diseases, and the  
22 prevention of sexually transmitted diseases;



- 1 (7) A notice that the patient and the patient's partners  
2 should abstain from sexual activity for seven days  
3 after the patient and the partners have completed the  
4 antibiotic therapy;
- 5 (8) A notice that the partners should be tested for  
6 sexually transmitted diseases;
- 7 (9) A notice of the risk to the patient, the partners, and  
8 others, including the public health, if a sexually  
9 transmitted disease is not completely treated;
- 10 (10) A notice of the responsibility of the patient to  
11 notify sexual partners of the risk of sexually  
12 transmitted diseases and the importance of examination  
13 and treatment for sexually transmitted diseases; and
- 14 (11) A statement advising any individual who has any  
15 questions regarding anything in the information sheet  
16 to contact a health professional or the department of  
17 health.

18 **§453-D Limitation of liability.** A health professional who  
19 provides expedited partner therapy as authorized under section  
20 453-B, including a person licensed or otherwise authorized by  
21 law to practice medicine or surgery under this chapter, an  
22 advanced practice registered nurse with prescriptive authority



1 under chapter 457, or a pharmacist who is licensed or otherwise  
 2 authorized to engage in the practice of pharmacy under chapter  
 3 461, shall not be subject to prosecution in a criminal  
 4 proceeding, liable for damages in a civil action, or subject to  
 5 disciplinary action under sections 453-8 and 453-8.2 for  
 6 personal injury, death, or other consequences arising from or  
 7 related in any way to the provision of expedited partner therapy  
 8 by the health professional; provided that this section shall not  
 9 apply if the action of the health professional in providing  
 10 expedited partner therapy is gross negligence."

11 SECTION 3. Section 328-16, Hawaii Revised Statutes, is  
 12 amended as follows:

13 1. By amending subsections (a), (b), and (c) to read:

14 "(a) A prescription drug shall be dispensed only if its  
 15 label bears the following:

16 (1) The name, business address, and telephone number of  
 17 the seller. The business address shall be the  
 18 physical location of the pharmacy or the dispensing  
 19 practitioner's office;

20 (2) [The] Except as otherwise authorized for expedited  
 21 partner therapy in section 453-B, the name of the  
 22 person for whom the drug was prescribed or the name of





- 1           the owner of the animal for which the drug was
- 2           prescribed;
- 3           (3) The serial number of the prescription;
- 4           (4) The date the prescription was prepared;
- 5           (5) The name of the practitioner if the seller is not the
- 6           practitioner;
- 7           (6) The name, strength, and quantity of the drug;
- 8           (7) The "use by" date for the drug, which shall be:
- 9           (A) The expiration date on the manufacturer's
- 10           container; or
- 11           (B) One year from the date the drug is dispensed,
- 12           whichever is earlier;
- 13           (8) The number of refills available, if any;
- 14           (9) In the case of the dispensing of an equivalent generic
- 15           drug product, the statement "same as (brand name of
- 16           the drug product prescribed or the referenced listed
- 17           drug name)", or words of similar meaning; and
- 18           (10) Specific directions for the drug's use; provided that
- 19           if the specific directions for use are too lengthy for
- 20           inclusion on the label, the notation "take according
- 21           to written instructions" may be used if separate
- 22           written instructions for use are actually issued with



1 the drug by the practitioner or the pharmacist, but in  
2 no event shall the notation "take as directed",  
3 referring to oral instructions, be considered  
4 acceptable.

5 If any prescription for a drug does not indicate the number of  
6 times it may be refilled, if any, the pharmacist shall not  
7 refill that prescription unless subsequently authorized to do so  
8 by the practitioner. The act of dispensing a prescription drug  
9 other than a professional sample or medical oxygen contrary to  
10 this subsection shall be deemed to be an act that results in a  
11 drug being misbranded while held for sale.

12 (b) In addition to the requirements enumerated in  
13 subsection (a), a prescription drug shall be dispensed only:

14 (1) By a pharmacist pursuant to a valid prescription [~~or~~],  
15 section 461-1[~~7~~], or section 453-B;

16 (2) By a medical oxygen distributor pursuant to a  
17 prescription or certificate of medical necessity;  
18 provided that the drug to be dispensed is medical  
19 oxygen; or

20 (3) By a practitioner to an ultimate user; provided that:

21 (A) [The] Except as otherwise authorized for  
22 expedited partner therapy in section 453-B, the



1 practitioner shall inform the patient, prior to  
2 dispensing any drug other than a professional  
3 sample, that the patient may have a written,  
4 orally ordered, or electronically transmitted or  
5 conveyed prescription directed to a pharmacy or a  
6 medical oxygen distributor of the patient's own  
7 choice;

8 (B) The practitioner shall promptly record in the  
9 practitioner's records:

10 (i) The prescription in full;

11 (ii) The name, strength, and quantity of the  
12 drug, and specific directions for the drug's  
13 use;

14 (iii) The date the drug was dispensed; ~~and~~

15 (iv) ~~The~~ Except as otherwise authorized for  
16 expedited partner therapy in section 453-B,  
17 the name and address of the person for whom  
18 the drug was prescribed or the name of the  
19 owner of the animal for which the drug was  
20 prescribed; and



1                    (v) Prescription drugs dispensed or prescribed  
2                    for expedited partner therapy as authorized  
3                    under section 453-B.

4                    (C) The records described in subparagraph (B) shall  
5                    be subject to the inspection of the department or  
6                    its agents at all times; and

7                    (D) No undisclosed rebate, refund, commission,  
8                    preference, discount, or other consideration,  
9                    whether in the form of money or otherwise, has  
10                   been offered to the practitioner as compensation  
11                   or inducement to dispense or prescribe any  
12                   specific drug in preference to other drugs that  
13                   might be used for the identical therapeutic  
14                   indication.

15                   (c) A prescription may be communicated in writing, orally,  
16 or by electronic transmission, and shall include the following  
17 information:

18                   (1) The authorization of the practitioner noted as  
19 follows:

20                   (A) Written prescriptions shall include the original  
21 signature of the practitioner;



- 1 (B) Oral prescriptions shall be promptly recorded by
- 2 the pharmacist or medical oxygen distributor and
- 3 shall include the practitioner's oral code
- 4 designation; and
- 5 (C) Electronic prescriptions shall be irrefutably
- 6 traceable to the prescribing practitioner by a
- 7 recognizable and unique practitioner identifier
- 8 such as:
  - 9 (i) A bitmap or graphic image of the
  - 10 prescriber's handwritten signature and the
  - 11 prescriber's oral code designation (or
  - 12 license number or other identifier if the
  - 13 prescriber is an out-of-state practitioner);
  - 14 (ii) An electronic signature;
  - 15 (iii) A digital signature; or
  - 16 (iv) By other means as approved by the director;
- 17 (2) The date of issuance;
- 18 (3) The practitioner's name, business telephone number,
- 19 and business address, unless the practitioner is
- 20 otherwise uniquely identified and the pharmacy or
- 21 medical oxygen distributor dispensing the prescription



1 has the prescriber's contact information on file  
2 accessible within the dispensing area;

3 (4) The name, strength, and quantity of the drug to be  
4 dispensed, and specific directions for the drug's use;

5 (5) [The] Except as otherwise authorized for expedited  
6 partner therapy in section 453-B, the name and address  
7 of the person for whom the prescription was written or  
8 the name of the owner of the animal for which the drug  
9 was prescribed, unless the pharmacy or medical oxygen  
10 distributor dispensing the prescription has the  
11 address on file accessible within the dispensing area;

12 (6) The room number and route of administration, if the  
13 patient is in an institutional facility; and

14 (7) The number of allowable refills, if the prescription  
15 is refillable. If the number of refills authorized by  
16 the practitioner is indicated using the terms "as  
17 needed" or "prn", the prescription may be refilled up  
18 to twelve months from the date the original  
19 prescription was written. After the twelve-month  
20 period, the "as needed" or "prn" prescription may be  
21 refilled for a subsequent three-month period;  
22 provided:



- 1 (A) The prescription is refilled only once during the
- 2 three-month period;
- 3 (B) The refill does not exceed a thirty-day supply of
- 4 the drug;
- 5 (C) The refill does not provide any amount of the
- 6 drug fifteen months beyond the date the original
- 7 prescription was written;
- 8 (D) In the case of medical oxygen, the duration of
- 9 therapy indicated on a certificate of medical
- 10 necessity shall supersede any limitations or
- 11 restrictions on refilling; and
- 12 (E) Subparagraphs (A) to (D) shall apply only to
- 13 pharmacies and medical oxygen distributors
- 14 practicing in the State."

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

16 "(g) Any drug other than medical oxygen dispensed pursuant  
17 to a prescription shall be exempt from the requirements of  
18 section 328-15 (except paragraphs (1), (9), (11), and (12), and  
19 the packaging requirements of paragraphs (7) and (8)), if the  
20 drug bears a label containing:

- 21 (1) The name and address of the pharmacy;



- 1           (2) The serial number and the date of the prescription or
- 2                   of its filling;
- 3           (3) The name of the practitioner;
- 4           (4) [~~The~~] Except as otherwise authorized for expedited
- 5                   partner therapy in section 453-B, the name of the
- 6                   patient;
- 7           (5) The directions for use; and
- 8           (6) Any cautionary statements contained in the
- 9                   prescription.

10 This exemption shall not apply to any drug dispensed in the  
11 course of the conduct of a business of dispensing drugs pursuant  
12 to diagnosis by mail, or to a drug dispensed in violation of  
13 subsection (a), (b), (c), or (d)."

14           SECTION 4. Section 328-17.6, Hawaii Revised Statutes, is  
15 amended as follows:

16           1. By amending subsections (c) and (d) to read:  
17                   "(c) Any pharmacist or medical oxygen distributor who  
18 fills or refills a prescription from an out-of-state  
19 practitioner shall:

- 20           (1) Note the following on the prescription record: the
- 21                   out-of-state practitioner's full name, address, and
- 22                   telephone number;





- 1 (2) Be responsible for validating and verifying the  
2 practitioner's prescriptive authority by virtue of a  
3 valid out-of-state license, a Drug Enforcement  
4 Administration registration number, or other measures  
5 as appropriate; and
- 6 (3) [~~Demand~~] Except as otherwise authorized for expedited  
7 partner therapy in section 453-B, demand proper  
8 identification from the person whose name appears on  
9 the prescription prior to filling the prescription, in  
10 addition to complying with any identification  
11 procedures established by the department for filling  
12 and refilling an out-of-state prescription.
- 13 (d) Before refilling a transferred out-of-state  
14 prescription, a pharmacist or medical oxygen distributor shall:
- 15 (1) [~~Advise~~] Except as otherwise authorized for expedited  
16 partner therapy in section 453-B, advise the person  
17 whose name appears on the prescription that the  
18 prescription on file at the originating out-of-state  
19 pharmacy or medical oxygen distributor may be  
20 canceled; and
- 21 (2) Record all information required to be on a  
22 prescription, including:



- 1 (A) The date of issuance of the original
- 2 prescription;
- 3 (B) The number of refills authorized on the original
- 4 prescription;
- 5 (C) The date the original prescription was dispensed;
- 6 (D) The number of valid refills remaining and the
- 7 date of the last refill;
- 8 (E) The out-of-state pharmacy's or out-of-state
- 9 medical oxygen distributor's name, telephone
- 10 number, and address, and the original
- 11 prescription number or control number from which
- 12 the prescription information was transferred; and
- 13 (F) The name of the transferor pharmacist or the
- 14 medical oxygen distributor's agent."

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

16 "(f) An out-of-state prescription record shall state the  
17 date of filling or refilling and, except as otherwise authorized  
18 for expedited partner therapy in section 453-B, the local  
19 address of the person whose name appears on the prescription."

20 SECTION 5. Section 328-17.7, Hawaii Revised Statutes, is  
21 amended by amending subsection (a) to read as follows:



1           "(a) Every practitioner, pharmacist, or medical oxygen  
2 distributor who compounds, sells, or delivers any prescribed  
3 drug to a patient or a patient's agent shall maintain records  
4 that identify:

- 5           (1) The specific drug product dispensed, including:
  - 6               (A) The product's national drug code (NDC) number; or
  - 7               (B) The brand name or the established name and the
  - 8                     name or commonly accepted abbreviation of the
  - 9                     principal labeler of the drug product dispensed,
  - 10                    the product strength, and the dosage form;
- 11          (2) The quantity of the drug;
- 12          (3) Directions for use;
- 13          (4) The number of allowable refills;
- 14          (5) The date of initial dispensing and the dates of all
- 15             refilling;
- 16          (6) The date of any transfer of the prescription;
- 17          (7) The name, business address, and telephone number of
- 18             the recipient pharmacist or medical oxygen distributor
- 19             for any transfer of prescription;
- 20          (8) The prescribing practitioner, including name, business
- 21             address, and telephone number;



- 1 (9) The format (oral, written, or electronic) in which the  
2 prescription was received;
- 3 (10) [~~The~~] Except as otherwise authorized for expedited  
4 partner therapy in section 453-B, the patient,  
5 including name, address, and telephone number;
- 6 (11) The date of prescribing; and
- 7 (12) The name of the practitioner, pharmacist, or medical  
8 oxygen distributor dispensing the drug.

9 Every prescription dispensed shall have the name of the  
10 pharmacist, dispensing practitioner, or medical oxygen  
11 distributor responsible for the dispensing appended to the  
12 prescription record, and every prescription record shall be  
13 preserved and legible for a period of not less than five years.  
14 The prescription records shall be subject at all times to the  
15 inspection of the director of health or the director's agent."

16 SECTION 6. Chapter 457, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19 "§457- **Advanced practice registered nurses; expedited**  
20 **partner therapy.** Advanced practice registered nurses who meet  
21 the definition of a health professional as defined in section



1 453-A, shall be authorized to provide expedited partner therapy  
2 in accordance with part of chapter 453."

3 SECTION 7. In codifying the new sections added by section  
4 2 of this Act, the revisor of statutes shall substitute  
5 appropriate section numbers for the letters used in designating  
6 the new sections in this Act.

7 SECTION 8. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 9. This Act shall take effect upon its approval.

10



**Report Title:**

Sexually Transmitted Diseases; Expedited Partner Therapy; Health Professionals; Prescription Drugs; Labeling; Record Keeping

**Description:**

Allows health professionals, subject to certain requirements, to treat the heterosexual partners of patients diagnosed as having chlamydia or gonorrhea, the sexually transmitted diseases recommended by the Centers for Disease Control and Prevention for expedited partner therapy, by dispensing or prescribing medication to the heterosexual partners without examining the partners. Provides protection from criminal liability, legal liability, and disciplinary action for health professionals who provide expedited partner therapy as authorized. Requires the department of health to develop an information sheet about sexually transmitted diseases for use by health professionals who provide expedited partner therapy. Creates exceptions to prescription drug labeling and reporting requirements for expedited partner therapy. (SD2)

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

