

STAND. COM. REP. NO. **2326**

Honolulu, Hawaii

FEB 18 2016

RE: S.B. No. 2320  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,  
to which was referred S.B. No. 2320 entitled:

"A BILL FOR AN ACT RELATING TO CONTRACEPTIVE SUPPLIES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize pharmacists to prescribe and dispense  
contraceptive supplies to persons eighteen years of age  
or older;
- (2) Specify requirements pharmacists must meet prior to  
prescribing and dispensing contraceptive supplies; and
- (3) Require all insurers in the State, including health  
benefits plans under chapter 87A, Hawaii Revised  
Statutes, and Medicaid managed care programs, to  
reimburse pharmacists who prescribe and dispense  
contraceptive supplies.

Your Committee received testimony in support of this measure  
from the Department of Health; Hawaii State Coalition Against  
Domestic Violence; Planned Parenthood Votes Northwest and Hawaii;  
American Congress of Obstetricians and Gynecologists - Hawaii  
Section; LGBT Caucus of the Democratic Party of Hawai'i; Hawai'i  
Public Health Association; Hawaii Medical Association; CVS Health;  
Healthy Mothers, Healthy Babies; and three individuals. Your  
Committee received comments on this measure from the Department of

2016-1178 SSCR SMA.doc



Commerce and Consumer Affairs; Department of Human Services; Board of Pharmacy; Daniel K. Inouye College of Pharmacy, University of Hawai'i at Hilo; and Hawaii Medical Service Association.

Your Committee finds that many reproductive health experts have long sought to make prescription contraceptives more readily accessible. Research indicates women are more likely to use prescription contraceptives and less likely to have unintended pregnancies when barriers are lifted to contraceptive access. According to the American Congress of Obstetricians and Gynecologists, studies have also indicated that women can accurately identify conditions that make it appropriate to use certain contraceptives by using a simple checklist.

Your Committee further finds that under the federal Patient Protection and Affordable Care Act of 2010, contraceptives are required to be covered at a \$0 copayment, thus removing financial barriers for patients and ensuring that patients have better opportunities to receive contraceptive care. This measure supports the movement toward expanded access to prescription contraceptives by authorizing pharmacists to prescribe and dispense contraceptive supplies to persons eighteen years of age and older.

Your Committee has heard the concerns that this measure authorizes pharmacists to prescribe and dispense all contraceptive supplies, including oral and injectable forms of contraception, which may be overly broad. Your Committee has also heard the concerns regarding the scope of practice of pharmacists and the Board of Pharmacy's ability to develop and implement a continuing education program for pharmacists who prescribe and dispense contraceptive supplies. Your Committee understands these concerns. Accordingly, your Committee notes that interested stakeholders have been in discussions regarding certain aspects of this measure and have reached an agreement on consensus language. Amendments to this measure are therefore necessary to incorporate consensus language from interested stakeholders.

Your Committee has amended this measure by:

- (1) Clarifying that pharmacists who prescribe contraceptive supplies must complete an Accreditation Council for Pharmacy Education program approved by the Board of Pharmacy, as this will be less burdensome than requiring

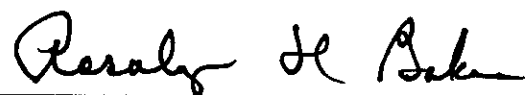


the Board to develop its own continuing education program;

- (2) Clarifying that the type of contraceptive supplies pharmacists are authorized to prescribe and dispense are limited to United States Food and Drug Administration-approved self-administered hormonal contraceptives;
- (3) Amending the definition of "practice of pharmacy" to include a separate provision specifically for the prescribing and dispensing of contraceptive supplies to persons eighteen years of age and older, rather than requiring the prescribing and dispensing of contraceptive supplies to be done pursuant to a collaborative written agreement with a licensed physician;
- (4) Clarifying that pharmacists who prescribe and dispense contraceptive supplies must complete an Accreditation Council for Pharmacy Education program approved by the Board of Pharmacy within every other biennial licensing renewal period, rather than requiring the Board to develop a separate continuing education program; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2320, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2320, S.D. 1, and be referred to your Committee on Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce, Consumer  
Protection, and Health,



ROSALYN H. BAKER, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce, Consumer Protection, and Health**  
**CPH**

Bill / Resolution No.:* <b>SB2320</b>	Committee Referral: <b>CPH, JDL</b>	Date: <b>2-11-16</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
KIDANI, Michelle N. (VC)	/			
ESPERO, Will	/			
IHARA, Jr., Les	/			
NISHIHARA, Clarence K.	/			
RUDERMAN, Russell E.				/
SLOM, Sam		/		
<b>TOTAL</b>	<b>5</b>	<b>1</b>		<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes