

HOUSE OF REPRESENTATIVES  
THE TWENTY-EIGHTH LEGISLATURE  
REGULAR SESSION OF 2016

RECEIVED

2016 MAR 14 P 6: 34

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AMENDED NOTICE OF HEARING

DATE:      Wednesday, March 16, 2016  
TIME:      9:30 am  
PLACE:     Conference Room 329  
             State Capitol  
             415 South Beretania Street

A M E N D E D   A G E N D A

SB 2894, SD2  
(SSCR2601)  
Status

RELATING TO HEALTH INSURANCE.  
Authorizes the department of human services to develop and administer outreach as required by the Affordable Care Act. Establishes a state health insurance exchange, the Hawaii health insurance programs, in the department of labor and industrial relations to conform Hawaii law to the Affordable Care Act. Appropriates funds to the department of labor and industrial relations and the department of human services. Repeals the Hawaii health insurance exchange programs on 1/1/2018. Takes effect on 1/7/2059. (SD2)

HLT/LAB, CPC,  
FIN



DECISION MAKING TO FOLLOW

The following measures has been **ADDED** to the agenda for decision making: **SB 2076, SD2; SB 2667, SD1; SB 2668, SD2; SB 2672, SD1; SB 2677, SD2; SB 2861, SD2; SB 3017, SD1; SB 2915, SD2; SB 2392, SD2; SB 2688, SD2; SB 2689, SD2; SB 2691, SD2; SB 668, SD1; SB2240, SD1; SB2317, SD2; and; SB 2389, SD1.** These measures were previously heard on March 14, 2016 at 2:15 am. No public testimony will be accepted.

SB 2076, SD2  
(SSCR2583)  
Status

**RELATING TO HEALTH CARE.**  
Establishes a durable medical equipment supplier license program for suppliers of durable medical equipment, prosthetics, orthotics, and related supplies through the office of health care assurance. Allows license fees to be deposited into the office of health care assurance special fund. Amends the cap on amounts of the health care assurance special fund that may be used per fiscal year. Amends the balance of the office of health care assurance special fund above which moneys are deposited into the general fund. Effective 1/21/17. (SD2)

**HLT, CPC, FIN**

SB 2667, SD1  
(SSCR2770)  
Status

**RELATING TO INSURANCE.**  
Requires health insurers to promptly pay clean claims for services and repeals the exemption of medicaid claims from the clean claims definition. (SD1)

**HLT, CPC, FIN**

SB 2668, SD2  
(SSCR2589)  
Status

**RELATING TO INSURANCE.**  
Specifies disclosure requirements for health care providers, health care facilities, and hospitals who are nonparticipating providers in a patient's health care plan. Specifies the amount a nonparticipating provider may bill for services performed without prior or subsequent authorization from a patient's health care plan. Specifies an insured shall not be liable to a health care provider for any sums owed by an insurer. Specifies that an insured who receives emergency services from a nonparticipating provider shall not incur greater out-of-pocket costs for the emergency services than the insured would have incurred with a participating provider. Effective 7/1/2050. (SD2)

**HLT, CPC/JUD,  
FIN**

SB 2672, SD1  
(SSCR2499)  
Status

**RELATING TO ADVANCED PRACTICE REGISTERED NURSES.**  
Amends various statutes to clarify the role of advanced practice registered nurses with regards to their authority and participation in the health care system. Amends definitions in the statutes to conform with the duties and responsibilities of advanced practice registered nurses. (SD1)

**HLT, CPC, FIN**



**SB 2677, SD2**  
**(SSCR2542)**  
**Status**

**RELATING TO NURSING.**  
Beginning with the July 1, 2017, licensing biennium, requires all new nurse licensure applicants to submit electronic fingerprints for criminal history record check purposes. Beginning with the July 1, 2019, licensing biennium, requires all nurse licensure renewal applicants to submit electronic fingerprints for criminal history record check purposes. Authorizes the state board of nursing to: develop rules necessary to implement the required criminal history record checks; reactivate licenses and conduct investigations of applicants; request, beginning July 1, 2017, criminal history records of qualified applicants; and request, no later than July 1, 2023, criminal history records required for licensees who were issued licenses prior to July 1, 2017. Takes effect on 1/7/2059. (SD2)

**HLT, CPC, JUD**

**SB 2861, SD1**  
**(SSCR2511)**  
**Status**

**RELATING TO THE JOINT FORMULARY ADVISORY COMMITTEE.**  
Repeals the Joint Formulary Advisory Committee established by the Department of Commerce and Consumer Affairs. Allows the Board of Nursing to be the sole authority that determines the exclusionary formulary for qualified advanced practice registered nurses with prescriptive authority. (SD2)

**HLT, CPC, FIN**

**SB 3017, SD1**  
**(SSCR2782)**  
**Status**

**RELATING TO HEALTH.**  
Appropriates funds to the John A. Burns School of Medicine to fund medical residency programs to help alleviate the shortage of primary care physicians in rural Oahu and neighbor island communities. Effective 7/1/2050. (SD1)

**HLT, HED, FIN**



SB 2915, SD2  
(SSCR2605)  
Status

**RELATING TO THE UNIFORM CONTROLLED  
SUBSTANCES ACT.**

HLT, JUD, FIN

Updates chapter 329, Hawaii Revised Statutes (HRS), to make it consistent with amendments in federal controlled substances law as required under section 329-11, HRS; amends section 329-1, HRS, to clarify existing definitions to be consistent with federal controlled substance law; deletes definitions no longer utilized under federal law; adds new definitions to allow the use of "delegates" by practitioners and pharmacists to access the electronic prescription accountability system; clarifies that individuals storing, conducting research, reverse distribution and chemical analysis with controlled substances must register with the department of public safety and follow appropriate controlled substance statutes and rules; amends section 329-23, HRS, to take advantage of technology in the posting of updates to Hawaii's drug schedules on the department's website; amends section 329-38, HRS, to be consistent with federal limitations on the prescribing of schedule II narcotic controlled substances; mandates that the collections of fines under section 329-49, HRS, be deposited into the controlled substance registration revolving fund to support the program; deletes the requirement for a pseudoephedrine permit for transporting over 3 grams of pseudoephedrine as required under sections 329-73 and 329-74, HRS; amends chapter 329, part VIII, HRS, by adding language to mandate the requirement that all practitioners, except veterinarians, and pharmacies register to utilize the electronic prescription accountability system when they obtain a controlled substance registration; authorizes the Department of Public Safety Narcotics Enforcement Division Administrator to allow access to state, county, or federal regulatory agencies to the database when conducting joint regulatory investigations. (SD2)

SB 2392, SD2  
(SSCR2588)  
Status

**RELATING TO OPIOID ANTAGONISTS.**

HLT, CPC/JUD,  
FIN

Creates immunity for health care professionals and pharmacists who prescribe, dispense, or administer an opioid antagonist such as naloxone hydrochloride to assist an individual at risk of experiencing an opioid-related drug overdose or to a harm reduction organization. Creates immunity for first responders, harm reduction organizations, and individuals who administer opioid antagonists to persons believed to be suffering an opioid-related drug overdose. Authorizes emergency personnel to administer an opioid antagonist. Requires medicaid coverage for opioid antagonists for outpatient use. Authorizes certain persons or organizations acting under standing orders issued by a licensed health care professional to store opioid antagonists without being subject to the Hawaii Food, Drug, and Cosmetic Act, except the portion regarding the storage of wholesale prescription drugs, and to distribute opioid antagonists without charge or compensation. (SD2)



SB 2688, SD2  
(SSCR2541)  
Status

**RELATING TO THE SALE OF E-LIQUID.**  
Beginning January 1, 2017, prohibits the sale of an e-liquid container for an electronic smoking device unless the container is child-resistant and prohibits the sale of an e-liquid container for an e-liquid containing nicotine unless the e-liquid packaging is labeled with warning language. Establishes a violation as a penalty. Includes e-liquid under the definition of "hazardous substance" as used in the Hawaii Poison Prevention Packaging Act. Effective January 7, 2059. (SD2)

HLT, CPC, JUD

SB 2689, SD2  
(SSCR2540)  
Status

**RELATING TO CHAPTER 245, HAWAII REVISED STATUTES.**  
Amends the definitions of "dealer", "retailer", "wholesale price" and "wholesaler" to include electronic smoking devices and e-liquid. Establishes definitions for "disposable electronic smoking device", "electronic smoking device", "e-liquid", and "reusable electronic smoking device". Allows electronic smoking devices, packages of electronic smoking devices, containers of electronic smoking devices, e-liquid, packages of e-liquid, and containers of e-liquid to be seized and forfeited if unlawfully sold, possessed, kept, stored, acquired, distributed, or transported. Increases the license fee for persons engaged as a wholesaler or dealer. Increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes, tobacco products, electronic smoking devices, and e-liquid. Effective January 7, 2059. (SD2)

HLT, CPC, FIN

SB 2691, SD2  
(SSCR2808)  
Status

**RELATING TO CHAPTER 245, HAWAII REVISED STATUTES.**  
Defines disposable electronic smoking device, electronic smoking device, e-liquid, and reusable electronic smoking device in the State's cigarette tax and tobacco tax law. Imposes an excise tax on an e-liquid sold by a wholesaler or dealer on or after 1/1/2017, whether or not sold at wholesale, or if not sold then at the same rate upon the use by the wholesaler or dealer. Imposes an excise tax on the wholesale price of disposable electronic smoking devices sold by a wholesaler or dealer on or after January 1, 2017, whether or not sold at wholesale, or if not sold then at the same rate upon the use by the wholesaler or dealer. Establishes requirements for retailers, wholesalers, and dealers of electronic smoking devices or e-liquid related to permits, reports, and records. Takes effect on 7/1/2050. (SD2)

HLT, CPC, FIN

SB 668, SD1  
(SSCR2794)  
Status

**RELATING TO THE REGISTRY OF CLEAN AND SOBER HOMES.**  
Provides immunity from liability to DOH and its employees, agents, and volunteers for operating the clean and sober homes registry. Takes effect on 7/1/2050. (SD1)

HLT, JUD, FIN

SB 2240, SD1  
(SSCR2585)  
Status

**MAKING AN APPROPRIATION TO THE DEPARTMENT OF HEALTH TO REESTABLISH A VECTOR CONTROL BRANCH.**  
Makes an appropriation to the department of health to hire more vector control employees and reestablish a vector control branch. (SD1)

HLT, FIN



**SB 2317, SD2**  
**(SSCR2582)**  
**Status**

**RELATING TO HEALTH.**

**HLT, FIN**

Appropriates funds to the department of health to conduct child death reviews and implement a program to perform maternal death reviews. Requires the department of health to submit an annual report to the legislature relating to child and maternal deaths and death reviews in the State. Requires any person, hospital, sanatorium, nursing or rest home, or other similar medical facility to provide information or other materials relating to the condition and treatment of any person to the maternal and perinatal mortality study committee of the Hawaii Medical Association, any in-hospital staff committee, or the Department of Health for studies to reduce morbidity or mortality. Effective 7/1/2050. (SD2)

**SB 2389, SD1**  
**(SSCR2573)**  
**Status**

**RELATING TO HEALTH.**

**HLT, HED, FIN**

Broadens the scope of health and health care data and other information submitted to the state health planning and development agency. Takes effect on 7/1/2050. (SD1)

Persons wishing to offer comments should submit testimony at least 24 hours prior to the hearing. Testimony should indicate:

- Testifier's name with position/title and organization;
- The Committee(s) to which the comments are directed;
- The date and time of the hearing; and
- Measure number.

While every effort will be made to incorporate all testimony received, materials received on the day of the hearing or improperly identified or directed, may be distributed to the Committee after the hearing.

Submit testimony in ONE of the following ways:

PAPER: 30 copies (including an original) to Room 331 in the State Capitol;

FAX: For testimony less than 5 pages in length, transmit to 808-586-9608 (Oahu) or 1-800-535-3859 (for Neighbor Islander without a computer to submit testimony through the website); or

WEB: For testimony less than 10MB in size, transmit from <http://www.capitol.hawaii.gov/submittestimony.aspx>.

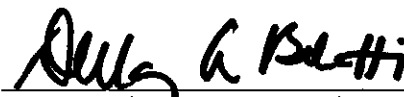
Testimony submitted will be placed on the legislative website. This public posting of testimony on the website should be considered when including personal information in your testimony.

If you require special assistance or auxiliary aids and/or services to participate in the House public hearing process (i.e., sign or foreign language interpreter or wheelchair accessibility), please contact the Committee Clerk at 586-9425 or email your request for an interpreter to [HouseInterpreter@Capitol.hawaii.gov](mailto:HouseInterpreter@Capitol.hawaii.gov) at least 24 hours prior to the hearing for arrangements. Prompt requests submitted help to ensure the availability of qualified individuals and appropriate accommodations.

Selected meetings are broadcast live. Check the current legislative broadcast schedule on the "Capitol TV" website at [www.capitoltv.org](http://www.capitoltv.org) or call 536-2100.



Representative Mark M. Nakashima  
Chair



Representative Della Au Belatti  
Chair

