



DAVID Y. IGE
GOVERNOR
SHAN S. TSUTSUI
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
335 MERCHANT STREET, ROOM 310
P.O. Box 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
www.hawaii.gov/dcca

CATHERINE P. AWAKUNI COLÓN
DIRECTOR
JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

TO THE HOUSE COMMITTEES ON CONSUMER PROTECTION AND COMMERCE
AND JUDICIARY

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Wednesday, March 23, 2016
2:10 p.m.

**TESTIMONY ON SENATE BILL NO. 2320, S.D. 1, H.D. 1 – RELATING TO
CONTRACEPTIVE SUPPLIES.**

TO THE HONORABLE ANGUS L.K. MCKELVEY AND KARL RHOADS, CHAIRS, AND
MEMBERS OF THE COMMITTEES:

My name is Gordon Ito, State Insurance Commissioner, testifying on behalf of
the Department of Commerce and Consumer Affairs (“Department”). The Department
submits the following comments.

Adding a new subsection (d) to section 431:10A-116.6 (contraceptive services),
Hawaii Revised Statutes (“HRS”), applicable to health insurers, and adding a new
subsection (d) to section 432:1-604.5 (contraceptive services), HRS, applicable to
mutual benefit societies, would require insurance coverage to include reimbursement to
a pharmacist who prescribes and dispenses contraceptive supplies. The Department
supports the intent of this new language because it expands consumer access without
triggering a new mandate. The Department defers to the Legislature to determine the
appropriate prescribing health care provider.

The Department takes no position on the proposed expansion under chapter
87A, HRS, and to Medicaid programs.

We thank this Committee for the opportunity to present testimony on this matter.



Eric P. Douglas
Senior Director, Government Affairs

2211 Sanders Road
Northbrook, IL 60062

p 847.559.3422
c 847.651.9807
f 401.652.9342

Eric.Douglas@CVSHealth.com

The Honorable Angus McKelvey, Chair
House Committee on Consumer Protection & Commerce

The Honorable Karl Rhoads, Chair
House Committee on Judiciary

Wednesday, March 23, 2016
Conference Room 325; 2:10 PM

RE: SB 2320 SD1 HD1 – Relating to Contraceptive Supplies – IN SUPPORT

Aloha Chairs McKelvey and Rhoads, Vice Chairs Woodson and San Buenaventura and members of the Committees:

CVS Health appreciates the opportunity to testify on SB 2320 SD1 HD1. The bill, as written, would permit Hawaii licensed pharmacists to prescribe and dispense contraceptive supplies (as defined) to persons 18 years of age or older. While there remain some questions around coordination with PCPs, etc. the overall intent and basis for this bill is to fulfill a need and provide access to a key service and we believe the bill does both.

CVS Health understands and applauds the intent behind SB 2320 SD1 HD1, and we support this legislation for the following reasons:

- As a part of the passage of the ACA, contraceptives are required to be covered at \$0 copay, thus removing financial barriers to patients in order that they may have better opportunities to receive contraceptive care. We believe this bill goes one logical step further by increasing access to those prescriptions in more accessible locations, i.e. pharmacies.
- SB 2320 SD1 HD1 has the potential to save significant money once fully implemented. Those persons who choose to utilize a pharmacist to obtain their prescription contraceptive supplies will likely incur a lesser charge both on them as well as charges back to their plan sponsor, i.e. less than a typical office visit to a GP/PCP.
- Similar statutory authority already exists in the states of California and Oregon. In light of the rural population in Hawaii, SB 2320 SD1 HD1 can help fulfill a need while simultaneously saving on provider visit costs.

CVS Health proudly operates as the largest pharmacy chain in Hawaii, under our Longs Drugs banner and we also offer our patients and clients a wide range of comprehensive, integrated pharmacy and health operations statewide including: Pharmacy Benefit Management (PBM) services (CVS/caremark), Specialty Pharmacy (CVS/specialty), Mail-Order and Retail Pharmacy (CVS/pharmacy/Longs Drugs), Retail Health Clinics (CVS/minute clinic) and a distribution center.

We thank you for your consideration of our comments and ask that the Committee pass SB 2320 SD1 HD1.

Respectfully,

Eric P. Douglas



March 22, 2016

TESTIMONY: Written only

To: The Honorable Angus L.K. McKelvey, Chair
The Honorable Justin H. Woodson, Vice Chair
Members of the House Committee on Consumer Protection & Commerce

The Honorable Rep. Karl Rhoads, Chair
The Honorable Rep. Joy A. San Buenaventura, Vice Chair
Members of the House Committee on Judiciary

From: **Hawaii Public Health Association**

Subject: **SUPPORT – SB2320 SD1 HD1 RELATING TO CONTRACEPTIVE SUPPLIES**

Hearing: March 23, 2016 at 2:10pm at State Capitol Room 325

The Hawaii Public Health Association (HPHA) is an association of over 600 community members, public health professionals, and organizations statewide dedicated to improving public health. HPHA serves as a voice for public health professionals and as a repository for information about public health in the Pacific.

HPHA supports the passage of **SB2320 SD1 HD1** which authorizes pharmacists to prescribe and dispense self-administered hormonal contraceptive supplies to persons eighteen years of age or older.

In 2010, 56% of all 16,000 pregnancies in Hawaii were unplanned. The unintended pregnancy rate was reported 61 per 1,000 women ages 15–44. Publicly supported family-planning centers aided 19,800 female contraceptive clients in 2013. These locations met 28% of women's need for contraceptive services and helped avert 4,800 unintended pregnancies in 2013. This program was projected to have prevented 2,400 unplanned births and 1,600 terminated pregnancies. However, many women do not seek care for unintended pregnancy, due to scheduling issues, costs of care, or not wanting to go

through an embarrassing GYN examination to obtain a doctor's prescription.

Over-The-Counter (OTC) contraceptives would expedite the process for women to receive a fitting birth control method and prevent pregnancy. Pharmacists will be required to meet with individuals in order to prescribe a proper hormonal birth control method and administer a brief patient health-questionnaire. This will allow women to seek appropriate care while benefiting from the ease of OTC access.

Measures such as board-approved continuing education programs relating to prescribing OTC contraceptives for pharmacists and providing written documentation, patient consultation, and primary care provider referral to patients will ensure safe access to care. Further, patients will be highly encouraged to attend annual exams to test for cervical cancer, sexually transmitted infections, and other critical health concerns during their pharmacy visit.

HPHA supports the encouragement of safe and accessible birth control methods for women in Hawaii. OTC contraceptives are an attainable way to prevent unintended or unwanted pregnancies; this bill will deter the overuse of emergency contraception, pregnancy termination, and other methods of pregnancy prevention that can be considered unsafe if over-used or used improperly.

Thank you for considering our testimony concerning **SB2320 SD1 HD1**, which would allow pharmacists to administer OTC birth control methods to women in Hawaii.

Respectfully submitted,

Hoce Kalkas, MPH

HPHA Legislative and Government Relations Committee Chair



An Independent Licensee of the Blue Cross and Blue Shield Association

March 23, 2016

The Honorable Angus McKelvey, Chair
House Committee on Consumer Protection and Commerce
The Honorable Justin Woodson, Vice-Chair
House Committee on Consumer Protection and Commerce

The Honorable Karl Rhoads, Chair
House Committee on Judiciary
The Honorable Joy A. San Buenaventura, Vice-Chair
House Committee on Judiciary

Re: SB 2320, SD1, HD1 – Relating to Contraceptive Supplies

Dear Chair McKelvey, Chair Rhoads, Vice-Chair Woodson, Vice-Chair San Buenaventura and Committee Members:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to offer testimony s SB 2320, SD1, HD1 which authorizes pharmacists to prescribe and dispense contraceptive supplies to persons eighteen year of age or older.

HMSA supports the intent of SB 2320, SD1, HD1 and worked closely with the stakeholders involved to reach consensus on areas of concern that existed in earlier drafts of this bill. HMSA appreciates the intent of SB 2320, SD1, HD1 to remove barriers to particular prescription contraceptives for patients and members and looks forward to working with the Committees to address any outstanding concerns that may exist.

Thank you for allowing us to testify on SB 2320, SD1, HD1.

Sincerely,

Jennifer Diesman
Vice President, Government Relations

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 4:00 PM
To: CPCtestimony
Cc: KAT.CAPHI@GMAIL.COM
Subject: Submitted testimony for SB2320 on Mar 23, 2016 14:10PM

SB2320

Submitted on: 3/21/2016

Testimony for CPC/JUD on Mar 23, 2016 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kat Brady	Community Alliance on Prisons	Support	Yes

Comments: Community Alliance on Prisons supports SB 2320 SD1, HD1. Please support women!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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March 20, 2016

House's Committee on Consumer Protection and Commerce & Judiciary
Hawaii State Capitol
415 South Beretania Street, Room 329
Honolulu, HI 96813

Hearing: Wednesday, March 23, 2016 – 2:10 p.m.

RE: **SUPPORT for Senate Bill 2320 SD 1 HD 1 – RELATING TO CONTRACEPTIVE SUPPLIES**

Aloha Chairpersons McKelvey & Rhoads, Vice Chair Woodson and San Buenaventura and fellow committee members,

I am writing in SUPPORT to Senate Bill 2320 SD 1 HD 1 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i. SB 2320 SD 1 HD 1 authorizes pharmacists to prescribe and dispense contraceptive supplies to persons eighteen years of age or older.

The cornerstone to ensuring every woman is in control of her own future is by making sure that each and every woman has access to contraceptive protection. We at the LGBT Caucus believes that this bill will strengthen that cornerstone.

We would be in strong support of this bill if:

- 1) The age in this bill had been linked to the age of consent. If this legislative body believes a person is old enough to consent to have sex then logic dictates that they should also be old enough to have access to contraceptive protection of their choice.
- 2) There was a requirement for counseling by pharmacists.

Mahalo nui loa,

Michael Golojuch, Jr.
Chair



To: Hawaii State House of Representatives Committee on Consumer Protection and Commerce and Committee on Judiciary
Hearing Date/Time: Wednesday, March 23, 2016, 2:10 p.m.
Place: Hawaii State Capitol, Rm. 325
Re: Testimony of Planned Parenthood of Hawaii with comments on S.B. 2320, SD1, HD1, Relating to Contraceptive Supplies, and offering an amendment

Dear Chairs McKelvey and Rhoads and Members of the Committees,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes with comments on S.B. 2320, SD1, HD1, which authorizes pharmacists to prescribe and dispense contraceptive supplies to persons eighteen years of age or older.

PPVNH is dedicated to advocating for women’s full equality in health care access and, while we support the intent of S.B. 2320 to increase access to contraception, we have significant concerns and questions about the bill as written.

A Task Force Would Address Questions and Concerns and Lead to a Stronger Law.

As this bill proposes a new method of accessing contraception that has only been offered in Oregon and California for less than a year, we respectfully request the creation of a task force so that stakeholders have the opportunity to consult with providers and patients in those states and in Hawaii to learn more about how the law is working and what needs to be improved in order to appropriately increase women’s access to contraception and reduce unintended pregnancy.

Concerns to Address:

- Age requirements are medically and legally unnecessary and limit access to contraception for those who are at high risk of unintended pregnancy.

In many areas of Hawaii, family planning providers are few and far between, so it is important that our law actually increase access for minors and help to reduce our high teen pregnancy rate. However, SB 2320 contains an 18-year age requirement that is not only inappropriate for a geographically isolated and diverse state like Hawaii, but also medically and legally unnecessary. Our state law explicitly extends minors the right to consent to, contract for and receive reproductive health care services.

Both Oregon and California laws allow pharmacists to dispense contraceptive supplies to minors, although Oregon’s law only allows pharmacists to dispense to minors "if the person has evidence of a previous prescription from a primary care practitioner or women’s health care practitioner for a hormonal contraceptive patch or self-administered oral hormonal contraceptive." Rather than limiting access for minors, Hawaii’s law should seek to improve the health of minors by requiring that a visit to a pharmacist for contraceptive supplies include patient counseling and education every time.

- Unanswered questions about patient counseling and reimbursement for pharmacists' time in providing counseling must be considered in order to promote women's health while increasing access to contraception.

SB 2320 does not appear to require patient counseling or reimbursement to pharmacists for their time spent counseling patients. SB 2320 as written is similar to Oregon's law, which requires only that pharmacists complete an education program and provide women with a self-assessment. We don't know whether SB 2320's education program directs pharmacists to provide counseling or educates pharmacists about what counseling should be provided. Family planning providers typically provide extensive counseling to women seeking birth control, including discussing with them the full range of contraceptive options and STI prevention, so as to better protect their health. This committee might look to California's law, which includes some counseling requirements, but still doesn't answer the question of whether insurers will pay for the time pharmacists spend counseling women, whether that cost will be shouldered by the patient or whether the pharmacist will forgo counseling altogether because they won't be reimbursed for their time. Without addressing these questions, we don't know whether SB 2320 appropriately balances its goal of increasing access to contraception with promoting women's health.

Thank you for this opportunity to testify.

Sincerely,
Laurie Field
Hawaii Legislative Director and Public Affairs Manager

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 19, 2016 3:01 PM
To: CPCtestimony
Cc: joyamarshall0416@gmail.com
Subject: *Submitted testimony for SB2320 on Mar 23, 2016 14:10PM*

SB2320

Submitted on: 3/19/2016

Testimony for CPC/JUD on Mar 23, 2016 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 7:45 AM
To: CPCtestimony
Cc: lenora@hawaii.edu
Subject: *Submitted testimony for SB2320 on Mar 23, 2016 14:10PM*

SB2320

Submitted on: 3/20/2016

Testimony for CPC/JUD on Mar 23, 2016 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Lenora Lorenzo	Individual	Support	No

Comments:

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