



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 3, 2017 **GOV. MSG. NO. 1169**

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 3, 2017, the following bill was signed into law:

SB514 SD1 HD1 CD1

RELATING TO HEALTH
ACT 068 (17)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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 human papillomavirus
2 is a very common virus that can cause cervical, vaginal, and
3 vulvar cancers in women; penile cancer in men; and anal cancer,
4 cancer of the throat, and genital warts in both men and women.
5 The legislature also finds that the human papillomavirus vaccine
6 is available and protects against infection and the cancers
7 caused by human papillomavirus.

8 The legislature further finds that under current law
9 pharmacists are permitted to administer vaccines to children
10 between the ages of fourteen and seventeen, whereas the Centers
11 for Disease Control recommends that preteen boys and girls
12 receive the human papillomavirus vaccine at age eleven or twelve
13 so they are protected prior to any exposure to the virus. The
14 legislature additionally finds that in addition to the human
15 papillomavirus vaccine, three other vaccines, including the Tdap
16 (tetanus, diphtheria, pertussis), meningococcal, and influenza
17 vaccines, make up what is known as the "Adolescent Platform", a



1 series of shots recommended for adolescents between the ages of
2 eleven and twelve.

3 The purpose of this Act is to improve the overall health of
4 the population in the State and reduce the incidence of
5 infectious disease and cervical and other cancers by allowing
6 pharmacists to administer the human papillomavirus, Tdap
7 (tetanus, diphtheria, pertussis), meningococcal, and influenza
8 vaccines to children between the ages of eleven and seventeen.

9 SECTION 2. Section 461-1, Hawaii Revised Statutes, is
10 amended by amending the definition of "practice of pharmacy" to
11 read as follows:

12 "Practice of pharmacy" means:

13 (1) The interpretation and evaluation of prescription
14 orders; the compounding, dispensing, and labeling of
15 drugs and devices (except labeling by a manufacturer,
16 packer, or distributor of nonprescription drugs and
17 commercially legend drugs and devices); the
18 participation in drug selection and drug utilization
19 reviews; the proper and safe storage of drugs and
20 devices and the maintenance of proper records
21 therefor; the responsibility for advising when



1 necessary or where regulated, of therapeutic values,
2 content, hazards, and use of drugs and devices;
3 (2) Performing the following procedures or functions as
4 part of the care provided by and in concurrence with a
5 "health care facility" and "health care service" as
6 defined in section 323D-2, or a "pharmacy" or a
7 licensed physician or a licensed advanced practice
8 registered nurse with prescriptive authority, or a
9 "managed care plan" as defined in section 432E-1, in
10 accordance with policies, procedures, or protocols
11 developed collaboratively by health professionals,
12 including physicians and surgeons, pharmacists, and
13 registered nurses, and for which a pharmacist has
14 received appropriate training required by these
15 policies, procedures, or protocols:
16 (A) Ordering or performing routine drug therapy
17 related patient assessment procedures;
18 (B) Ordering drug therapy related laboratory tests;
19 (C) Initiating emergency contraception oral drug
20 therapy in accordance with a written
21 collaborative agreement approved by the board,



1 between a licensed physician or advanced practice
2 registered nurse with prescriptive authority and
3 a pharmacist who has received appropriate
4 training that includes programs approved by the
5 American Council of Pharmaceutical Education
6 (ACPE), curriculum-based programs from an ACPE-
7 accredited college of pharmacy, state or local
8 health department programs, or programs
9 recognized by the board of pharmacy;

10 (D) Administering drugs orally, topically, by
11 intranasal delivery, or by injection, pursuant to
12 the order of the patient's licensed physician or
13 advanced practice registered nurse with
14 prescriptive authority, by a pharmacist having
15 appropriate training that includes programs
16 approved by the ACPE, curriculum-based programs
17 from an ACPE-accredited college of pharmacy,
18 state or local health department programs, or
19 programs recognized by the board of pharmacy;

20 (E) Administering:



1 (i) Immunizations orally, by injection, or by
2 intranasal delivery, to persons eighteen
3 years of age or older by a pharmacist having
4 appropriate training that includes programs
5 approved by the ACPE, curriculum-based
6 programs from an ACPE-accredited college of
7 pharmacy, state or local health department
8 programs, or programs recognized by the
9 board of pharmacy; [~~and~~]

10 (ii) Vaccines to persons between fourteen and
11 seventeen years of age pursuant to section
12 461-11.4; and

13 (iii) Human papillomavirus, Tdap (tetanus,
14 diphtheria, pertussis), meningococcal, and
15 influenza vaccines to persons between eleven
16 and seventeen years of age pursuant to
17 section 461-11.4;

18 (F) As authorized by the written instructions of a
19 licensed physician or advanced practice
20 registered nurse with prescriptive authority,
21 initiating or adjusting the drug regimen of a



1 patient pursuant to an order or authorization
2 made by the patient's licensed physician or
3 advanced practice registered nurse with
4 prescriptive authority and related to the
5 condition for which the patient has been seen by
6 the licensed physician or advanced practice
7 registered nurse with prescriptive authority;
8 provided that the pharmacist shall issue written
9 notification to the patient's licensed physician
10 or advanced practice registered nurse with
11 prescriptive authority or enter the appropriate
12 information in an electronic patient record
13 system shared by the licensed physician or
14 advanced practice registered nurse with
15 prescriptive authority, within twenty-four hours;

16 (G) Transmitting a valid prescription to another
17 pharmacist for the purpose of filling or
18 dispensing;

19 (H) Providing consultation, information, or education
20 to patients and health care professionals based



1 on the pharmacist's training and for which no
 2 other licensure is required; or
 3 (I) Dispensing an opioid antagonist in accordance
 4 with a written collaborative agreement approved
 5 by the board, between a licensed physician and a
 6 pharmacist who has received appropriate training
 7 that includes programs approved by the [American
 8 ~~Council on Pharmaceutical Education~~ (]ACPE[)],
 9 curriculum-based programs from an ACPE-accredited
 10 college of pharmacy, state or local health
 11 department programs, or programs recognized by
 12 the board; and

13 (3) The offering or performing of those acts, services,
 14 operations, or transactions necessary in the conduct,
 15 operation, management, and control of pharmacy."

16 SECTION 3. Section 461-8, Hawaii Revised Statutes, is
 17 amended by amending subsection (e) to read as follows:

18 "(e) A pharmacist who administers any vaccine to persons
 19 between the ages of fourteen and seventeen years or administers
 20 the human papillomavirus, Tdap (tetanus, diphtheria, pertussis),
 21 meningococcal, or influenza vaccine to persons between eleven



1 and seventeen years of age pursuant to section 461-11.4 shall
2 complete a training program approved by the board within every
3 other biennial renewal period and submit proof of successful
4 completion of the training program to the board; provided that
5 the pharmacist shall meet these requirements prior to
6 administering any vaccine to persons between the ages of
7 fourteen and seventeen years[-] or administering the human
8 papillomavirus, Tdap (tetanus, diphtheria, pertussis),
9 meningococcal, or influenza vaccine to persons between eleven
10 and seventeen years of age."

11 SECTION 4. Section 461-11.4, Hawaii Revised Statutes, is
12 amended as follows:

13 1. By amending subsection (a) to read:

14 "(a) A pharmacist may administer [a]:

15 (1) A vaccine to persons between fourteen and seventeen
16 years of age pursuant to a valid prescription[-]; and

17 (2) A human papillomavirus, Tdap (tetanus, diphtheria,
18 pertussis), meningococcal, or influenza vaccine to
19 persons between eleven and seventeen years of age
20 pursuant to a valid prescription.



1 The pharmacist shall verify that the prescriber or the
2 prescriber's authorized agent is the patient's medical home."

3 2. By amending subsection (d) to read:

4 "(d) All pharmacists who administer vaccines to persons
5 between the ages of fourteen and seventeen years or administer
6 human papillomavirus, Tdap (tetanus, diphtheria, pertussis),
7 meningococcal, and influenza vaccines to persons between the
8 ages of eleven and seventeen years shall complete a training
9 program approved by the Accreditation Council of Pharmacy
10 Education for which a certificate of completion is issued. The
11 pharmacist shall complete the training program and submit the
12 completion certificate for the training program to the board
13 prior to administering any vaccine to persons between the ages
14 of fourteen and seventeen years[-] and prior to administering
15 any human papillomavirus, Tdap (tetanus, diphtheria, pertussis),
16 meningococcal, or influenza vaccine to persons between the ages
17 of eleven and seventeen years."

18 SECTION 5. Section 461-21, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) In addition to any other actions authorized by law,
21 the board may deny, revoke, or suspend any license or permit



1 applied for or issued by the board, in accordance with this
2 chapter, and fine or otherwise discipline a licensee or permit
3 holder for any cause authorized by law, including but not
4 limited to the following:

- 5 (1) Procuring a license through fraud, misrepresentation,
6 or deceit;
- 7 (2) Professional misconduct, gross carelessness, or
8 manifest incapacity;
- 9 (3) Permitting an unlicensed person to perform activities
10 that require a license under this chapter;
- 11 (4) Violation of any of the provisions of this chapter or
12 the rules adopted pursuant thereto;
- 13 (5) Violation of any state or federal drug, controlled
14 substance, or poison law;
- 15 (6) False, fraudulent, or deceptive advertising;
- 16 (7) Any other conduct constituting fraudulent or dishonest
17 dealings;
- 18 (8) Failure to comply with a board order;
- 19 (9) Making a false statement on any document submitted or
20 required to be filed by this chapter, including a

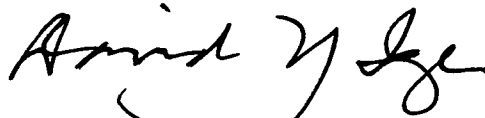


- 1 false certification of compliance with the continuing
2 education requirement;
- 3 (10) Habitual intemperance or addiction to the use of
4 habit-forming drugs; or
- 5 (11) Administering a vaccine [~~to a person between fourteen~~
6 ~~and seventeen years of age~~], including a human
7 papillomavirus, Tdap (tetanus, diphtheria, pertussis),
8 meningococcal, or influenza vaccine, without complying
9 with section 461-11.4."

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval.

APPROVED this 3 day of JUL, 2017





GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.


President of the Senate


Clerk of the Senate

SB No. 514, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives