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## A BILL FOR AN ACT

RELATING TO CONTRACEPTIVE SUPPLIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that many reproductive  
2 health experts have long sought to make prescription  
3 contraceptives more readily accessible. Research indicates  
4 women are more likely to use prescription contraceptives and  
5 less likely to have unintended pregnancies when barriers are  
6 lifted to contraceptive access. Furthermore, studies have also  
7 indicated it is safe for women to obtain contraceptive supplies  
8 without a physician and that women can accurately identify  
9 conditions that make it appropriate to use certain  
10 contraceptives by using a simple checklist.

11           The legislature further finds that under the federal  
12 Patient Protection and Affordable Care Act of 2010,  
13 contraceptives are required to be covered at a \$0 copayment,  
14 thus removing financial barriers for patients and ensuring that  
15 patients have better opportunities to receive contraceptive  
16 care.



1           The legislature additionally finds that some states are  
2 also taking steps to ensure greater access to contraceptive  
3 supplies. For example, recent legislation in California and  
4 Oregon has expanded access to prescription contraceptives for  
5 millions of women. The California and Oregon laws, enacted in  
6 2016, permit women to obtain contraceptive supplies from  
7 pharmacists without first having to visit a primary care  
8 provider for a prescription. The legislature concludes that  
9 Hawaii should adopt similar legislation, which will increase  
10 access to prescription contraceptive supplies and decrease  
11 barriers regarding reproductive health care.

12           The purpose of this Act is to expand access to prescription  
13 contraceptives by:

- 14           (1) Authorizing pharmacists to prescribe and dispense  
15 self-administered hormonal contraceptive supplies; and  
16           (2) Specifying requirements pharmacists must meet prior to  
17 prescribing and dispensing contraceptive supplies.

18           SECTION 2. Chapter 461, Hawaii Revised Statutes, is  
19 amended by adding a new section to be appropriately designated  
20 and to read as follows:



1           "§461-      Contraceptive supplies; authority to prescribe  
2 and dispense; requirements. (a) A pharmacist may prescribe and  
3 dispense contraceptive supplies to a patient regardless of  
4 whether the patient has evidence of a previous prescription for  
5 contraceptive supplies from a licensed physician, advanced  
6 practice registered nurse, or other primary care provider  
7 authorized to prescribe contraceptive supplies.

8           (b) A pharmacist who prescribes contraceptive supplies  
9 pursuant to subsection (a) shall:

- 10           (1) Complete an Accreditation Council for Pharmacy  
11 Education program approved by the board related to  
12 prescribing contraceptive supplies;
- 13           (2) Provide a self-screening risk assessment tool that a  
14 patient shall complete before the pharmacist  
15 prescribes any contraceptive supplies; provided that  
16 the self-screening risk assessment tool shall be based  
17 on the current version of the United States Medical  
18 Eligibility Criteria for Contraceptive Use developed  
19 by the federal Centers for Disease Control and  
20 Prevention;



- 1        (3) Refer the patient to the patient's primary care  
2                    provider upon prescribing and dispensing the  
3                    contraceptive supplies; provided that if the patient  
4                    does not have a primary care provider, the pharmacist  
5                    shall advise the patient to consult a licensed  
6                    physician, advanced practice registered nurse, or  
7                    other primary care provider of the patient's choice;
- 8        (4) Provide the patient with a written record of the  
9                    contraceptive supplies prescribed and dispensed and  
10                   advise the patient to consult with a primary care  
11                   provider of the patient's choice; and
- 12        (5) Dispense the contraceptive supplies to the patient as  
13                   soon as practicable after the pharmacist issues the  
14                   prescription.
- 15        (c) A pharmacist who prescribes contraceptive supplies  
16 pursuant to subsection (a) shall not:
  - 17            (1) Require a patient to schedule an appointment with the  
18                   pharmacist for the prescribing or dispensing of  
19                   contraceptive supplies; or
  - 20            (2) Prescribe and dispense contraceptive supplies to a  
21                   patient who has not provided evidence of a clinical



1           visit for women's health within three years  
2           immediately following the initial prescription and  
3           dispensation of contraceptive supplies by a pharmacist  
4           to the patient."

5           SECTION 3. Section 461-1, Hawaii Revised Statutes, is  
6 amended as follows:

7           1. By adding two new definitions to be appropriately  
8 inserted and to read:

9           "Advanced practice registered nurse" means a person  
10 licensed pursuant to section 457-8.5 and granted prescriptive  
11 authority pursuant to section 457-8.6.

12           "Contraceptive supplies" means all United States Food and  
13 Drug Administration-approved self-administered hormonal  
14 contraceptives."

15           2. By amending the definition of "practice of pharmacy" to  
16 read:

17           "Practice of pharmacy" means:

18           (1) The interpretation and evaluation of prescription  
19 orders; the compounding, dispensing, and labeling of  
20 drugs and devices (except labeling by a manufacturer,  
21 packer, or distributor of nonprescription drugs and



1           commercially legend drugs and devices); the.  
2           participation in drug selection and drug utilization  
3           reviews; the proper and safe storage of drugs and  
4           devices and the maintenance of proper records  
5           therefor; the responsibility for advising when  
6           necessary or where regulated, of therapeutic values,  
7           content, hazards, and use of drugs and devices;  
8           (2) Performing the following procedures or functions as  
9           part of the care provided by and in concurrence with a  
10          "health care facility" and "health care service" as  
11          defined in section 323D-2, or a "pharmacy" or a  
12          licensed physician or a licensed advanced practice  
13          registered nurse with prescriptive authority, or a  
14          "managed care plan" as defined in section 432E-1, in  
15          accordance with policies, procedures, or protocols  
16          developed collaboratively by health professionals,  
17          including physicians and surgeons, pharmacists, and  
18          registered nurses, and for which a pharmacist has  
19          received appropriate training required by these  
20          policies, procedures, or protocols:



- 1 (A) Ordering or performing routine drug therapy
- 2 related patient assessment procedures;
- 3 (B) Ordering drug therapy related laboratory tests;
- 4 (C) Initiating emergency contraception oral drug
- 5 therapy in accordance with a written
- 6 collaborative agreement approved by the board,
- 7 between a licensed physician or advanced practice
- 8 registered nurse with prescriptive authority and
- 9 a pharmacist who has received appropriate
- 10 training that includes programs approved by the
- 11 American Council of Pharmaceutical Education
- 12 (ACPE), curriculum-based programs from an ACPE-
- 13 accredited college of pharmacy, state or local
- 14 health department programs, or programs
- 15 recognized by the board of pharmacy;
- 16 (D) Administering drugs orally, topically, by
- 17 intranasal delivery, or by injection, pursuant to
- 18 the order of the patient's licensed physician or
- 19 advanced practice registered nurse with
- 20 prescriptive authority, by a pharmacist having
- 21 appropriate training that includes programs



1 approved by the ACPE, curriculum-based programs  
2 from an ACPE-accredited college of pharmacy,  
3 state or local health department programs, or  
4 programs recognized by the board of pharmacy;

5 (E) Administering:

6 (i) Immunizations orally, by injection, or by  
7 intranasal delivery, to persons eighteen  
8 years of age or older by a pharmacist having  
9 appropriate training that includes programs  
10 approved by the ACPE, curriculum-based  
11 programs from an ACPE-accredited college of  
12 pharmacy, state or local health department  
13 programs, or programs recognized by the  
14 board of pharmacy; and

15 (ii) Vaccines to persons between fourteen and  
16 seventeen years of age pursuant to section  
17 461-11.4;

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[~~-~~]; and

16 (4) Prescribing and dispensing contraceptive supplies  
 17 pursuant to section 461- ."

18 SECTION 4. Section 461-8, Hawaii Revised Statutes, is  
 19 amended to read as follows:

20 "**§461-8 Renewal of licenses; continuing education**  
 21 **requirement.** (a) All licenses issued by the board, except

1 temporary licenses issued under section 461-7, shall be renewed  
2 biennially on or before December 31 of each odd-numbered year.  
3 Failure to pay the biennial fee and, beginning with the renewal  
4 for the licensing biennium commencing on January 1, 2008, to  
5 satisfy the continuing education requirement on or before  
6 December 31 of each odd-numbered year, shall constitute a  
7 forfeiture of the license as of the date of expiration.

8 (b) Any license forfeited pursuant to subsection (a) may  
9 be restored within three years upon payment of any penalty fee,  
10 the current biennial fees, and the renewal fee for the next  
11 biennium, if applicable, upon submission of proof of compliance  
12 with the continuing education requirement for the prior  
13 biennium, and upon meeting any other requirements specified in  
14 rules adopted pursuant to chapter 91.

15 (c) In the event that the pharmacist has not engaged in  
16 the practice of pharmacy in this State or in another state or  
17 territory of the United States within the past five years, the  
18 board may require the pharmacist to satisfy additional  
19 requirements, as specified in rules adopted pursuant to chapter  
20 91, to demonstrate that the pharmacist is competent to practice  
21 in this State.



1           (d) Beginning with the renewal for the licensing biennium  
2 commencing on January 1, 2008, and every biennial renewal  
3 thereafter, each licensee shall have completed thirty credit  
4 hours in continuing education courses within the two-year period  
5 preceding the renewal date, regardless of the licensee's initial  
6 date of licensure; provided that a licensee who has graduated  
7 from an accredited pharmacy school within one year of the  
8 licensee's first license renewal period shall not be subject to  
9 the continuing education requirement for the first license  
10 renewal. The board may extend the deadline for compliance with  
11 the continuing education requirement based on any of the  
12 following:

- 13           (1) Illness, as certified by a physician or osteopathic  
14           physician licensed under chapter 453 or licensed in  
15           the jurisdiction in which the licensee was treated;
- 16           (2) Military service under extended active duty with the  
17           armed forces of the United States;
- 18           (3) Lack of access to continuing education courses due to  
19           the practice of pharmacy in geographically isolated  
20           areas; and



1           (4) Inability to undertake continuing education due to  
2           incapacity, undue hardship, or other extenuating  
3           circumstances.

4           (e) A pharmacist who administers any vaccine to persons  
5           between the ages of fourteen and seventeen years pursuant to  
6           section 461-11.4 shall complete a training program approved by  
7           the board within every other biennial renewal period and submit  
8           proof of successful completion of the training program to the  
9           board; provided that the pharmacist shall meet these  
10          requirements prior to administering any vaccine to persons  
11          between the ages of fourteen and seventeen years.

12          (f) A pharmacist who prescribes and dispenses  
13          contraceptive supplies pursuant to section 461-        shall  
14          complete an Accreditation Council for Pharmacy Education program  
15          approved by the board within every other biennial renewal period  
16          and submit proof of successful completion of the continuing  
17          education program to the board.

18          [~~(f)~~] (g) Each licensee shall maintain the licensee's  
19          continuing education records. At the time of renewal, each  
20          licensee shall certify under oath that the licensee has complied  
21          with the continuing education requirement of this section. The



1 board may require a licensee to submit, in addition to the  
2 certification, evidence satisfactory to the board that  
3 demonstrates compliance with the continuing education  
4 requirement of this section.

5       ~~(g)~~ (h) The board may conduct random audits to determine  
6 compliance with the continuing education requirement. The board  
7 shall provide written notice of an audit to a licensee randomly  
8 selected for audit. Within sixty days of notification, the  
9 licensee shall provide the board with documentation verifying  
10 compliance with the continuing education requirement."

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

13       "(a) In addition to any other actions authorized by law,  
14 the board may deny, revoke, or suspend any license or permit  
15 applied for or issued by the board, in accordance with this  
16 chapter, and fine or otherwise discipline a licensee or permit  
17 holder for any cause authorized by law, including but not  
18 limited to the following:

19       (1) Procuring a license through fraud, misrepresentation,  
20             or deceit;



- 1           (2) Professional misconduct, gross carelessness, or
- 2           manifest incapacity;
- 3           (3) Permitting an unlicensed person to perform activities
- 4           that require a license under this chapter;
- 5           (4) Violation of any of the provisions of this chapter or
- 6           the rules adopted pursuant thereto;
- 7           (5) Violation of any state or federal drug, controlled
- 8           substance, or poison law;
- 9           (6) False, fraudulent, or deceptive advertising;
- 10          (7) Any other conduct constituting fraudulent or dishonest
- 11          dealings;
- 12          (8) Failure to comply with a board order;
- 13          (9) Making a false statement on any document submitted or
- 14          required to be filed by this chapter, including a
- 15          false certification of compliance with the continuing
- 16          education requirement;
- 17          (10) Habitual intemperance or addiction to the use of
- 18          habit-forming drugs; [~~or~~]
- 19          (11) Administering a vaccine to a person between fourteen
- 20          and seventeen years of age without complying with
- 21          section 461-11.4[-]; or



# H.B. NO. 675

1        (12) Prescribing or dispensing contraceptive supplies  
2        without complying with section 461-\_\_\_\_\_."

3        SECTION 6. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5        SECTION 7. This Act shall take effect on July 1, 2017.

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INTRODUCED BY: *Abu W. K. K. K.*  
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# H.B. NO. 657

**Report Title:**

Pharmacists; Prescriptive Authority; Contraceptive Supplies;  
Requirements

**Description:**

Authorizes pharmacists to prescribe and dispense self-administered hormonal contraceptive supplies to patients, regardless of a previous prescription from an authorized prescriber. Specifies requirements pharmacists must meet prior to prescribing and dispensing contraceptive supplies.

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