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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 require a patient to  
17       schedule an appointment with the pharmacist for the prescribing  
18       or dispensing of contraceptive supplies."

19       SECTION 3. Section 431:10A-116.6, Hawaii Revised Statutes,  
20       is amended to read as follows:



1           "§431:10A-116.6 Contraceptive services. (a)  
2 Notwithstanding any provision of law to the contrary, each  
3 employer group accident and health or sickness policy, contract,  
4 plan, or agreement issued or renewed in this State on or after  
5 January 1, 2000, shall cease to exclude contraceptive services  
6 or supplies for the subscriber or any dependent of the  
7 subscriber who is covered by the policy, subject to the  
8 exclusion under section 431:10A-116.7 and the exclusion under  
9 section 431:10A-102.5.

10           (b) Except as provided in subsection (c), all policies,  
11 contracts, plans, or agreements under subsection (a), that  
12 provide contraceptive services or supplies, or prescription drug  
13 coverage, shall not exclude any prescription contraceptive  
14 supplies or impose any unusual copayment, charge, or waiting  
15 requirement for such supplies.

16           (c) Coverage for oral contraceptives shall include at  
17 least one brand from the monophasic, multiphasic, and the  
18 progestin-only categories. A member shall receive coverage for  
19 any other oral contraceptive only if:

20           (1) Use of brands covered has resulted in an adverse drug  
21 reaction; or



1           (2) The member has not used the brands covered and, based  
2           on the member's past medical history, the prescribing  
3           health care provider believes that use of the brands  
4           covered would result in an adverse reaction.

5           (d) Coverage required by this section shall include  
6           reimbursement to a prescribing health care provider or  
7           dispensing entity for prescription contraceptive supplies  
8           intended to last for up to a twelve-month period for an insured.

9           (e) Coverage required by this section shall include  
10          reimbursement to a prescribing and dispensing pharmacist who  
11          prescribes and dispenses contraceptive supplies pursuant to  
12          section 461- .

13          [~~(e)~~] (f) For purposes of this section:

14          "Contraceptive services" means physician-delivered,  
15          physician-supervised, physician assistant-delivered, advanced  
16          practice registered nurse-delivered, nurse-delivered, or  
17          pharmacist-delivered medical services intended to promote the  
18          effective use of contraceptive supplies or devices to prevent  
19          unwanted pregnancy.



1 "Contraceptive supplies" means all United States Food and  
2 Drug Administration-approved contraceptive drugs or devices used  
3 to prevent unwanted pregnancy.

4 [~~f~~] (g) Nothing in this section shall be construed to  
5 extend the practice or privileges of any health care provider  
6 beyond that provided in the laws governing the provider's  
7 practice and privileges."

8 SECTION 4. Section 432:1-604.5, Hawaii Revised Statutes,  
9 is amended to read as follows:

10 "**§432:1-604.5 Contraceptive services.** (a)

11 Notwithstanding any provision of law to the contrary, each  
12 employer group health policy, contract, plan, or agreement  
13 issued or renewed in this State on or after January 1, 2000,  
14 shall cease to exclude contraceptive services or supplies, and  
15 contraceptive prescription drug coverage for the subscriber or  
16 any dependent of the subscriber who is covered by the policy,  
17 subject to the exclusion under section 431:10A-116.7.

18 (b) Except as provided in subsection (c), all policies,  
19 contracts, plans, or agreements under subsection (a), that  
20 provide contraceptive services or supplies, or prescription drug  
21 coverage, shall not exclude any prescription contraceptive



1 supplies or impose any unusual copayment, charge, or waiting  
2 requirement for such drug or device.

3 (c) Coverage for contraceptives shall include at least one  
4 brand from the monophasic, multiphasic, and the progestin-only  
5 categories. A member shall receive coverage for any other oral  
6 contraceptive only if:

7 (1) Use of brands covered has resulted in an adverse drug  
8 reaction; or

9 (2) The member has not used the brands covered and, based  
10 on the member's past medical history, the prescribing  
11 health care provider believes that use of the brands  
12 covered would result in an adverse reaction.

13 (d) Coverage required by this section shall include  
14 reimbursement to a prescribing health care provider or  
15 dispensing entity for prescription contraceptive supplies  
16 intended to last for up to a twelve-month period for a member.

17 (e) Coverage required by this section shall include  
18 reimbursement to a prescribing and dispensing pharmacist who  
19 prescribes and dispenses contraceptive supplies pursuant to  
20 section 461- .

21 [~~e~~] (f) For purposes of this section:





1 "Contraceptive services" means physician-delivered,  
2 physician-supervised, physician assistant-delivered, advanced  
3 practice registered nurse-delivered, nurse-delivered, or  
4 pharmacist-delivered medical services intended to promote the  
5 effective use of contraceptive supplies or devices to prevent  
6 unwanted pregnancy.

7 "Contraceptive supplies" means all Food and Drug  
8 Administration-approved contraceptive drugs or devices used to  
9 prevent unwanted pregnancy.

10 [~~f~~] (g) Nothing in this section shall be construed to  
11 extend the practice or privileges of any health care provider  
12 beyond that provided in the laws governing the provider's  
13 practice and privileges."

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

16 1. By adding two new definitions to be appropriately  
17 inserted and to read:

18 "Advanced practice registered nurse" means a person  
19 licensed pursuant to section 457-8.5 and granted prescriptive  
20 authority pursuant to section 457-8.6.



1       "Contraceptive supplies" means all United States Food and  
2 Drug Administration-approved self-administered hormonal  
3 contraceptives."

4       2. By amending the definition of "practice of pharmacy" to  
5 read:

6       "Practice of pharmacy" means:

- 7       (1) The interpretation and evaluation of prescription  
8 orders; the compounding, dispensing, and labeling of  
9 drugs and devices (except labeling by a manufacturer,  
10 packer, or distributor of nonprescription drugs and  
11 commercially legend drugs and devices); the  
12 participation in drug selection and drug utilization  
13 reviews; the proper and safe storage of drugs and  
14 devices and the maintenance of proper records  
15 therefor; the responsibility for advising when  
16 necessary or where regulated, of therapeutic values,  
17 content, hazards, and use of drugs and devices;
- 18       (2) Performing the following procedures or functions as  
19 part of the care provided by and in concurrence with a  
20 "health care facility" and "health care service" as  
21 defined in section 323D-2, or a "pharmacy" or a



1 licensed physician or a licensed advanced practice  
2 registered nurse with prescriptive authority, or a  
3 "managed care plan" as defined in section 432E-1, in  
4 accordance with policies, procedures, or protocols  
5 developed collaboratively by health professionals,  
6 including physicians and surgeons, pharmacists, and  
7 registered nurses, and for which a pharmacist has  
8 received appropriate training required by these  
9 policies, procedures, or protocols:

- 10 (A) Ordering or performing routine drug therapy  
11 related patient assessment procedures;
- 12 (B) Ordering drug therapy related laboratory tests;
- 13 (C) Initiating emergency contraception oral drug  
14 therapy in accordance with a written  
15 collaborative agreement approved by the board,  
16 between a licensed physician or advanced practice  
17 registered nurse with prescriptive authority and  
18 a pharmacist who has received appropriate  
19 training that includes programs approved by the  
20 American Council of Pharmaceutical Education  
21 (ACPE), curriculum-based programs from an ACPE-



1 accredited college of pharmacy, state or local  
2 health department programs, or programs  
3 recognized by the board of pharmacy;

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

14 (E) Administering:

15 (i) Immunizations orally, by injection, or by  
16 intranasal delivery, to persons eighteen  
17 years of age or older by a pharmacist having  
18 appropriate training that includes programs  
19 approved by the ACPE, curriculum-based  
20 programs from an ACPE-accredited college of  
21 pharmacy, state or local health department



1 programs, or programs recognized by the  
2 board of pharmacy; and  
3 (ii) Vaccines to persons between fourteen and  
4 seventeen years of age pursuant to section  
5 461-11.4;  
6 (F) As authorized by the written instructions of a  
7 licensed physician or advanced practice  
8 registered nurse with prescriptive authority,  
9 initiating or adjusting the drug regimen of a  
10 patient pursuant to an order or authorization  
11 made by the patient's licensed physician or  
12 advanced practice registered nurse with  
13 prescriptive authority and related to the  
14 condition for which the patient has been seen by  
15 the licensed physician or advanced practice  
16 registered nurse with prescriptive authority;  
17 provided that the pharmacist shall issue written  
18 notification to the patient's licensed physician  
19 or advanced practice registered nurse with  
20 prescriptive authority or enter the appropriate  
21 information in an electronic patient record



- 1           system shared by the licensed physician or
- 2           advanced practice registered nurse with
- 3           prescriptive authority, within twenty-four hours;
- 4       (G)   Transmitting a valid prescription to another
- 5           pharmacist for the purpose of filling or
- 6           dispensing;
- 7       (H)   Providing consultation, information, or education
- 8           to patients and health care professionals based
- 9           on the pharmacist's training and for which no
- 10          other licensure is required; or
- 11       (I)   Dispensing an opioid antagonist in accordance
- 12          with a written collaborative agreement approved
- 13          by the board, between a licensed physician and a
- 14          pharmacist who has received appropriate training
- 15          that includes programs approved by the American
- 16          Council on Pharmaceutical Education (ACPE),
- 17          curriculum-based programs from an ACPE-accredited
- 18          college of pharmacy, state or local health
- 19          department programs, or programs recognized by
- 20          the board; [and]



- 1 (3) The offering or performing of those acts, services,
- 2 operations, or transactions necessary in the conduct,
- 3 operation, management, and control of pharmacy[-]; and
- 4 (4) Prescribing and dispensing contraceptive supplies
- 5 pursuant to section 461- ."

6 SECTION 6. Section 461-8, Hawaii Revised Statutes, is  
 7 amended to read as follows:

8 **"§461-8 Renewal of licenses; continuing education**  
 9 **requirement.** (a) All licenses issued by the board, except  
 10 temporary licenses issued under section 461-7, shall be renewed  
 11 biennially on or before December 31 of each odd-numbered year.  
 12 Failure to pay the biennial fee and, beginning with the renewal  
 13 for the licensing biennium commencing on January 1, 2008, to  
 14 satisfy the continuing education requirement on or before  
 15 December 31 of each odd-numbered year, shall constitute a  
 16 forfeiture of the license as of the date of expiration.

17 (b) Any license forfeited pursuant to subsection (a) may  
 18 be restored within three years upon payment of any penalty fee,  
 19 the current biennial fees, and the renewal fee for the next  
 20 biennium, if applicable, upon submission of proof of compliance  
 21 with the continuing education requirement for the prior



1 biennium, and upon meeting any other requirements specified in  
2 rules adopted pursuant to chapter 91.

3 (c) In the event that the pharmacist has not engaged in  
4 the practice of pharmacy in this State or in another state or  
5 territory of the United States within the past five years, the  
6 board may require the pharmacist to satisfy additional  
7 requirements, as specified in rules adopted pursuant to chapter  
8 91, to demonstrate that the pharmacist is competent to practice  
9 in this State.

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





- 1 (1) Illness, as certified by a physician or osteopathic  
2 physician licensed under chapter 453 or licensed in  
3 the jurisdiction in which the licensee was treated;
- 4 (2) Military service under extended active duty with the  
5 armed forces of the United States;
- 6 (3) Lack of access to continuing education courses due to  
7 the practice of pharmacy in geographically isolated  
8 areas; and
- 9 (4) Inability to undertake continuing education due to  
10 incapacity, undue hardship, or other extenuating  
11 circumstances.

12 (e) A pharmacist who administers any vaccine to persons  
13 between the ages of fourteen and seventeen years pursuant to  
14 section 461-11.4 shall complete a training program approved by  
15 the board within every other biennial renewal period and submit  
16 proof of successful completion of the training program to the  
17 board; provided that the pharmacist shall meet these  
18 requirements prior to administering any vaccine to persons  
19 between the ages of fourteen and seventeen years.

20 (f) A pharmacist who prescribes and dispenses  
21 contraceptive supplies pursuant to section 461- shall



1 complete an Accreditation Council for Pharmacy Education program  
2 approved by the board within every other biennial renewal period  
3 and submit proof of successful completion of the continuing  
4 education program to the board.

5 [~~f~~] (g) Each licensee shall maintain the licensee's  
6 continuing education records. At the time of renewal, each  
7 licensee shall certify under oath that the licensee has complied  
8 with the continuing education requirement of this section. The  
9 board may require a licensee to submit, in addition to the  
10 certification, evidence satisfactory to the board that  
11 demonstrates compliance with the continuing education  
12 requirement of this section.

13 [~~g~~] (h) The board may conduct random audits to determine  
14 compliance with the continuing education requirement. The board  
15 shall provide written notice of an audit to a licensee randomly  
16 selected for audit. Within sixty days of notification, the  
17 licensee shall provide the board with documentation verifying  
18 compliance with the continuing education requirement."

19 SECTION 7. Section 461-21, Hawaii Revised Statutes, is  
20 amended by amending subsection (a) to read as follows:



1           "(a) In addition to any other actions authorized by law,  
2 the board may deny, revoke, or suspend any license or permit  
3 applied for or issued by the board, in accordance with this  
4 chapter, and fine or otherwise discipline a licensee or permit  
5 holder for any cause authorized by law, including but not  
6 limited to the following:

7           (1) Procuring a license through fraud, misrepresentation,  
8 or deceit;

9           (2) Professional misconduct, gross carelessness, or  
10 manifest incapacity;

11           (3) Permitting an unlicensed person to perform activities  
12 that require a license under this chapter;

13           (4) Violation of any of the provisions of this chapter or  
14 the rules adopted pursuant thereto;

15           (5) Violation of any state or federal drug, controlled  
16 substance, or poison law;

17           (6) False, fraudulent, or deceptive advertising;

18           (7) Any other conduct constituting fraudulent or dishonest  
19 dealings;

20           (8) Failure to comply with a board order;



- 1           (9) Making a false statement on any document submitted or
- 2           required to be filed by this chapter, including a
- 3           false certification of compliance with the continuing
- 4           education requirement;
- 5           (10) Habitual intemperance or addiction to the use of
- 6           habit-forming drugs; [~~or~~]
- 7           (11) Administering a vaccine to a person between fourteen
- 8           and seventeen years of age without complying with
- 9           section 461-11.4 [~~-~~]; or
- 10          (12) Prescribing or dispensing contraceptive supplies
- 11          without complying with section 461- ."

12           SECTION 8. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14           SECTION 9. This Act shall take effect on July 1, 2017.



**Report Title:**

Pharmacists; Prescriptive Authority; Contraceptive Supplies;  
Requirements; Reimbursement

**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. Enables pharmacists to be reimbursed for prescribing and dispensing contraceptive supplies. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

