

JAN 27 2021

---

# A BILL FOR AN ACT

RELATING TO OPIOIDS.

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

1       SECTION 1. Chapter 329, Hawaii Revised Statutes, is  
2       amended by adding a new section to be appropriately designated  
3       and to read as follows:

4       "§329-       Opioids; initial prescriptions; acute pain;  
5       verbal discussion. (a) Prior to issuing the initial  
6       prescription of a controlled substance that is an opioid in a  
7       course of treatment for acute pain, and again prior to issuing  
8       the third prescription of the course of treatment for the same  
9       acute pain symptom, a provider authorized to prescribe opioids  
10      shall discuss with the patient, or the patient's parent or  
11      guardian if the patient is under eighteen years of age and is  
12      not an emancipated minor, the risks associated with the opioid  
13      being prescribed, including but not limited to:

14      (1) The risks of addiction and overdose associated with  
15      opioids and the dangers of taking opioids with  
16      alcohol, benzodiazepines, and other central nervous  
17      system depressants;



1        (2) The reasons why the prescription is necessary;

2        (3) Alternative treatments that may be available; and

3        (4) Risks associated with the use of the opioids being  
4        prescribed, specifically that:

5            (A) Opioids are highly addictive, even when taken as  
6            prescribed;

7            (B) There is a risk of developing a physical or  
8            psychological dependence on the controlled  
9            dangerous substance; and

10          (C) The risks of taking more opioids than prescribed,  
11          or mixing sedatives, benzodiazepines, or alcohol  
12          with opioids, can result in fatal respiratory  
13          depression.

14          (b) The provider shall document that he or she has  
15          discussed with the patient or the patient's parent or guardian,  
16          as applicable, the risks of developing a physical or  
17          psychological dependence on the opioid and alternative  
18          treatments that may be available through use of the existing  
19          department of health's informed consent form. The department of  
20          health may make any changes on the informed consent form to  
21          reflect this explicit requirement for a verbal discussion that



1 it deems necessary or leave the form unamended if it concludes  
2 it is sufficient in its current form. The department of health  
3 may develop and make available guidelines for the discussion  
4 required pursuant to this section.

5 (c) As used in this section:

6 "Acute pain" means pain, whether resulting from a disease,  
7 accidental or intentional trauma, or other cause, that the  
8 provider reasonably believes expects to last only a short period  
9 of time. "Acute pain" does not include chronic pain, pain  
10 originating from cancer, pain experienced while the patient is  
11 in palliative care or hospice care, or pain experienced by a  
12 qualified patient under chapter 327L.

13 "Initial prescription" means a prescription issued to a  
14 patient who:

15 (1) Has never previously been issued a prescription for  
16 the opioid; or

17 (2) Was previously issued a prescription for the opioid,  
18 but the date on which the current prescription is  
19 being issued is more than one year after the date the  
20 patient last used or was administered the opioid.



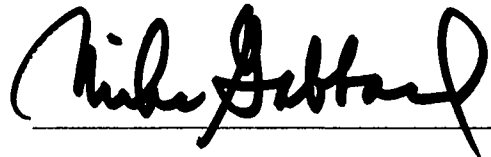
# S.B. NO. 940

1        When determining whether a patient was previously issued a  
2        prescription for an opioid, the provider shall consult with the  
3        patient and review the patient's medical record and the State  
4        prescription accountability system."

5        SECTION 2. New statutory material is underscored.

6        SECTION 3. This Act shall take effect upon its approval.

7  
INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Mike Abbott", is written over a horizontal line.

# S.B. NO. 940

**Report Title:**

Opioids; Initial Prescription; Acute Pain; Providers; Verbal Discussion; Risks

**Description:**

Requires providers authorized to prescribe opioids to discuss with patients certain risks associated with controlled substances that are opioids prior to issuing initial opioid prescriptions for the treatment of acute pain. Requires providers to include a note acknowledging the discussion of the risks associated with opioids in the patient's medical record.

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

