
A BILL FOR AN ACT

RELATING TO PHARMACISTS.

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

1 SECTION 1. The legislature finds that on May 8, 2020, the
2 Centers for Disease Control and Prevention reported that "the
3 identified declines in routine pediatric vaccine ordering and
4 doses administered might indicate that U.S. children and their
5 communities face increased risks for outbreaks of vaccine
6 preventable diseases" and suggested that a decrease in rates of
7 routine childhood vaccinations were due to changes in health
8 care access, social distancing, and other coronavirus disease
9 2019 (COVID-19) pandemic mitigation strategies. The legislature
10 also finds that during the 2018-2019 flu season, nearly a third
11 of all adult influenza vaccines were provided at a community
12 pharmacy. Pharmacies are vital to the State's health care
13 system because of their convenient points of access in their
14 communities. Additionally, pharmacists are trusted health care
15 professionals who have established relationships with their
16 patients and often offer extended hours and added convenience.
17 Pharmacists are well positioned to increase access to



1 vaccinations, particularly in medically underserved areas or for
2 certain populations who have a limited number of pediatricians
3 or primary care providers.

4 The legislature further finds that amendments made to the
5 federal Public Readiness and Emergency Preparedness Act, Pub. L.
6 109-148, division C (PREP Act), during the COVID-19 pandemic
7 authorized pharmacists and pharmacy interns to administer
8 vaccines to persons three years of age or older. This
9 authorization is currently slated to end on December 31, 2024.
10 Prior to the amendments made to the PREP Act, Hawaii law only
11 authorized pharmacists to administer a limited number of
12 vaccines to children between the ages of eleven and seventeen
13 and required a valid prescription before the vaccine could be
14 administered.

15 The legislature finds that permanently codifying in state
16 law the amendments to the PREP Act that authorize pharmacists to
17 vaccinate persons three years of age or older will continue to
18 allow and expand the role of trained and certified pharmacists
19 to administer vaccines to their communities in Hawaii.
20 Additionally, as the department of health has ceased offering
21 flu vaccinations for school-aged children at department schools,



1 permanently authorizing pharmacists to vaccinate persons three
2 years of age or older will ensure these children continue to be
3 protected against influenza and other highly contagious
4 diseases.

5 Accordingly, the purpose of this Act is to:

6 (1) Authorize licensed pharmacists to administer vaccines
7 to persons three years of age or older;

8 (2) Authorize pharmacy interns and pharmacy technicians
9 under the direct supervision of a pharmacist to
10 administer vaccines to persons three years of age or
11 older, if certain requirements are met; and

12 (3) Authorize licensed pharmacists to order the
13 administration of vaccines for persons three years of
14 age or older.

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

18 ""Practice of pharmacy" means:

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



1 packer, or distributor of nonprescription drugs and
2 commercially legend drugs and devices); the
3 participation in drug selection and drug utilization
4 reviews; the proper and safe storage of drugs and
5 devices and the maintenance of proper records
6 therefor; the responsibility for advising when
7 necessary or where regulated, of therapeutic values,
8 content, hazards, and use of drugs and devices; and
9 the interpretation and evaluation of prescription
10 orders to adjust the supply dispensed for purposes of
11 medication synchronization pursuant to section
12 431:10A-606, 432:1-621, or 432D-30;

13 (2) Performing the following procedures or functions as
14 part of the care provided by and in concurrence with a
15 [~~"health care facility"~~] health care facility and
16 [~~"health care service"~~] health care service as defined
17 in section 323D-2; [~~or a "pharmacy"; or a~~] pharmacy;
18 licensed physician, [a] licensed physician assistant,
19 or [a] licensed advanced practice registered nurse
20 with prescriptive authority; or [a ~~"managed care~~
21 ~~plan"~~] managed care plan as defined in section 432E-1,



1 in accordance with policies, procedures, or protocols
2 developed collaboratively by health professionals,
3 including physicians and surgeons, pharmacists,
4 physician assistants, and registered nurses, and for
5 which a pharmacist has received appropriate training
6 required by these policies, procedures, or protocols:
7 (A) Ordering or performing routine drug therapy
8 related patient assessment procedures;
9 (B) Ordering drug therapy related laboratory tests;
10 (C) Initiating emergency contraception oral drug
11 therapy in accordance with a written
12 collaborative agreement approved by the board,
13 between a licensed physician, physician
14 assistant, or advanced practice registered nurse
15 with prescriptive authority and a pharmacist who
16 has received appropriate training that includes
17 programs approved by the Accreditation Council
18 for Pharmacy Education (ACPE), curriculum-based
19 programs from an ACPE-accredited college of
20 pharmacy, state or local health department
21 programs, or programs recognized by the board;



- 1 (D) Administering drugs orally, topically, by
2 intranasal delivery, or by injection, pursuant to
3 the order of the patient's licensed physician,
4 physician assistant, or advanced practice
5 registered nurse with prescriptive authority, by
6 a pharmacist having appropriate training that
7 includes programs approved by the ACPE,
8 curriculum-based programs from an ACPE-accredited
9 college of pharmacy, state or local health
10 department programs, or programs recognized by
11 the board;
- 12 (E) Administering[+
13 ~~(i) Immunizations]~~ immunizations orally, by
14 injection, or by intranasal delivery, to
15 persons [~~eighteen~~] three years of age or
16 older by a pharmacist having appropriate
17 training that includes programs approved by
18 the ACPE, curriculum-based programs from an
19 ACPE-accredited college of pharmacy, state
20 or local health department programs, or
21 programs recognized by the board[+]



1 ~~(ii) Vaccines to persons between fourteen and~~
2 ~~seventeen years of age pursuant to section~~
3 ~~461-11.4; and~~
4 ~~(iii) Human papillomavirus, Tdap (tetanus,~~
5 ~~diphtheria, pertussis), meningococcal, and~~
6 ~~influenza vaccines to persons between eleven~~
7 ~~and seventeen years of age] pursuant to~~
8 ~~section 461-11.4;~~

9 (F) As authorized by the written instructions of a
10 licensed physician, physician assistant, or
11 advanced practice registered nurse with
12 prescriptive authority, initiating or adjusting
13 the drug regimen of a patient pursuant to an
14 order or authorization made by the patient's
15 licensed physician, physician assistant, or
16 advanced practice registered nurse with
17 prescriptive authority and related to the
18 condition for which the patient has been seen by
19 the licensed physician, physician assistant, or
20 advanced practice registered nurse with
21 prescriptive authority; provided that the



1 pharmacist shall issue written notification to
2 the patient's licensed physician, physician
3 assistant, or advanced practice registered nurse
4 with prescriptive authority or enter the
5 appropriate information in an electronic patient
6 record system shared by the licensed physician,
7 physician assistant, or advanced practice
8 registered nurse with prescriptive authority,
9 within twenty-four hours;

10 (G) Transmitting a valid prescription to another
11 pharmacist for the purpose of filling or
12 dispensing;

13 (H) Providing consultation, information, or education
14 to patients and health care professionals based
15 on the pharmacist's training and for which no
16 other licensure is required; or

17 (I) Prescribing and dispensing an opioid antagonist
18 pursuant to section 461-11.8;

19 (3) The offering or performing of those acts, services,
20 operations, or transactions necessary in the conduct,
21 operation, management, and control of pharmacy;



- 1 (4) Prescribing and dispensing contraceptive supplies
- 2 pursuant to section 461-11.6; and
- 3 (5) Notwithstanding any other law to the contrary, and in
- 4 accordance with the requirements of section 461-11.2,
- 5 ordering, performing, and reporting the results of the
- 6 following CLIA-waived tests:
- 7 (A) Blood glucose;
- 8 (B) Hemoglobin A1C;
- 9 (C) Hepatitis C;
- 10 (D) Human immunodeficiency virus;
- 11 (E) Influenza;
- 12 (F) Respiratory syncytial virus;
- 13 (G) SARS-CoV-2; or
- 14 (H) Streptococcal pharyngitis."

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

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



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

11 SECTION 4. Section 461-11.4, Hawaii Revised Statutes, is
 12 amended by amending subsections (a) through (d) to read as
 13 follows:

14 "(a) A pharmacist, pharmacy intern, or pharmacy technician
 15 under the direct supervision of a pharmacist may administer[;:

16 ~~(1) A vaccine to persons between fourteen and seventeen~~
 17 ~~years of age pursuant to a valid prescription; and~~

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



1 ~~The pharmacist]~~ a vaccine to a person three years of age or
2 older; provided that:

3 (1) The vaccine is authorized or approved by the United
4 States Food and Drug Administration;

5 (2) The vaccine has been ordered by a pharmacist and
6 administered in accordance with the recommendations of
7 the Advisory Committee on Immunization Practices of
8 the United States Department of Health and Human
9 Services;

10 (3) The pharmacy intern or pharmacy technician has
11 completed a practical training program approved by the
12 Accreditation Council for Pharmacy Education that
13 includes hands-on injection technique, clinical
14 evaluation of indications and contraindications of
15 vaccines, and the recognition and treatment of
16 emergency responses to vaccines;

17 (4) The pharmacy technician has a Certified Pharmacy
18 Technician certification from either the Pharmacy
19 Technician Certification Board or National
20 Healthcareer Association;



- 1 (5) The pharmacist, pharmacy intern, or pharmacy
2 technician has a current certificate in basic
3 cardiopulmonary resuscitation;
- 4 (6) The pharmacist has completed a minimum of two credit
5 hours in immunization-related continuing education
6 courses during each licensing biennium;
- 7 (7) The pharmacist is in compliance with all applicable
8 recordkeeping and reporting requirements, including
9 complying with adverse events reporting requirements;
- 10 (8) The pharmacist, pharmacy intern, or pharmacy
11 technician has reviewed the patient's vaccination
12 records before administering the vaccine;
- 13 (9) The pharmacist has informed the patient and the
14 patient's primary guardian or caregiver of the
15 importance of a well-child visit with a pediatrician
16 or other licensed primary care provider and has
17 referred the patient as appropriate; and
- 18 (10) Where a prescription has been ordered by a person
19 other than the pharmacist, the pharmacist, pharmacy
20 intern, or pharmacy technician shall verify that the



1 prescriber or the prescriber's authorized agent is the
2 patient's medical home.

3 (b) After the vaccination is administered, the pharmacist,
4 pharmacy intern, or pharmacy technician under the direct
5 supervision of a pharmacist shall immediately provide to the
6 patient a vaccination record including the following
7 information:

8 (1) The patient's name and date of birth;

9 (2) The type of vaccine administered; and

10 (3) The date and location that the vaccine was
11 administered.

12 (c) The pharmacist, pharmacy intern, or pharmacy
13 technician under the direct supervision of a pharmacist shall
14 make a good faith effort to provide within seventy-two hours to
15 the medical home and within five business days to the department
16 of health immunization registry the same information provided to
17 the patient pursuant to subsection (b) as well as the following:

18 (1) The name of the vaccine product that was administered,
19 including the manufacturer, lot number, and expiration
20 date;

21 (2) The method of administration; and



1 (3) The anatomical site of administration.

2 (d) ~~[All]~~ In addition to the requirements of subsection
3 (a), all pharmacists, pharmacy interns, and pharmacy technicians
4 under the direct supervision of a pharmacist who administer
5 vaccines to persons ~~[between the ages of fourteen and seventeen~~
6 ~~years or administer human papillomavirus, Tdap (tetanus,~~
7 ~~diphtheria, pertussis), meningococcal, and influenza vaccines to~~
8 ~~persons between the ages of eleven and seventeen years]~~ three
9 years of age or older shall complete a training program approved
10 by the Accreditation Council of Pharmacy Education for which a
11 certificate of completion is issued. The pharmacist, pharmacy
12 intern, or pharmacy technician shall complete the training
13 program and submit the completion certificate for the training
14 program to the board ~~[prior to]~~ before administering any vaccine
15 to persons ~~[between the ages of fourteen and seventeen years and~~
16 ~~prior to administering any human papillomavirus, Tdap (tetanus,~~
17 ~~diphtheria, pertussis), meningococcal, or influenza vaccine to~~
18 ~~persons between the ages of eleven and seventeen years.]~~ three
19 years of age or older."

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Pharmacists; Pharmacy Interns; Pharmacy Technicians; Minors;
Vaccinations

Description:

Authorizes pharmacists to administer vaccines to persons three years of age or older. Authorizes pharmacy interns and pharmacy technicians under the direct supervision of a pharmacist to administer vaccinations to persons three years of age or older, if certain requirements are met. Authorizes pharmacists to order vaccines for administration to persons three years of age or older. Takes effect 7/1/3000. (SD2)

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