May 5, 2015

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

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai‘i 96813

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

This is to inform you that on May 5, 2015, the following bill was signed into law:

HB253 HD2 SD1 RELATING TO VACCINATIONS
ACT 036 (15)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai‘i
A BILL FOR AN ACT

RELATING TO VACCINATIONS.

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

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

"Practice of pharmacy" means:

(1) The interpretation and evaluation of prescription orders; the compounding, dispensing, and labeling of drugs and devices (except labeling by a manufacturer, packer, or distributor of nonprescription drugs and commercially legend drugs and devices); the participation in drug selection and drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records;

(2) Performing the following procedures or functions as part of the care provided by and in concurrence with a
"health care facility" and "health care service" as defined in section 323D-2, or a "pharmacy" or a licensed physician, or a "managed care plan" as defined in section 432E-1, in accordance with policies, procedures, or protocols developed collaboratively by health professionals, including physicians and surgeons, pharmacists, and registered nurses, and for which a pharmacist has received appropriate training required by these policies, procedures, or protocols:

(A) Ordering or performing routine drug therapy related patient assessment procedures;

(B) Ordering drug therapy related laboratory tests;

(C) Initiating emergency contraception oral drug therapy in accordance with a written collaborative agreement approved by the board, between a licensed physician and a pharmacist who has received appropriate training that includes programs approved by the American Council of Pharmaceutical Education (ACPE), curriculum-based programs from an ACPE-accredited college of
pharmacy, state or local health department

programs, or programs recognized by the board of

pharmacy;

(D) Administering drugs orally, topically, by

intranasal delivery, or by injection, pursuant to

the patient's licensed physician's order, by a

pharmacist having appropriate training that

includes programs approved by the ACPE,

curriculum-based programs from an ACPE-accredited

college of pharmacy, state or local health

department programs, or programs recognized by

the board of pharmacy;

(E) Administering:

(i) Immunizations orally, by injection, or by

intranasal delivery, to persons eighteen

years of age or older by a pharmacist having

appropriate training that includes programs

approved by the ACPE, curriculum-based

programs from an ACPE-accredited college of

pharmacy, state or local health department
programs, or programs recognized by the
board of pharmacy; and

(ii) [The influenza vaccine] Vaccines to persons
between fourteen and seventeen years of age
pursuant to section 461-11.4;

(F) As authorized by a licensed physician's written
instructions, initiating or adjusting the drug
regimen of a patient pursuant to an order or
authorization made by the patient's licensed
physician and related to the condition for which
the patient has been seen by the licensed
physician; provided that the pharmacist shall
issue written notification to the patient's
licensed physician or enter the appropriate
information in an electronic patient record
system shared by the licensed physician, within
twenty-four hours;

(G) Transmitting a valid prescription to another
pharmacist for the purpose of filling or
dispensing; or
(H) Providing consultation, information, or education to patients and health care professionals based on the pharmacist's training and for which no other licensure is required; and

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

SECTION 2. Section 461-8, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

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

SECTION 3. Section 461-11.4, Hawaii Revised Statutes, is amended as follows:
1. By amending the title and subsections (a) and (b) to read:

"[§461-11.4]--Influenza vaccinations; Vaccinations; children. (a) A pharmacist may administer [the influenza] a vaccine to persons between fourteen and seventeen years of age pursuant to a valid prescription. The pharmacist shall verify that the prescriber or the prescriber's authorized agent is the patient's medical home.

(b) After the vaccination is administered, the pharmacist shall immediately provide to the patient a vaccination record including [but not limited to] the following information:

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

(2) The type of vaccine administered; and

(3) The date and location [on which] that the vaccine was administered."

2. By amending subsection (d) to read:

"(d) All pharmacists who administer [the influenza vaccine] vaccines to persons between the ages of fourteen and seventeen years shall complete a training program approved by the Accreditation Council of Pharmacy Education for which a certificate of completion is issued. The pharmacist shall
complete the training program and submit the completion certificate for the training program to the board prior to administering [the influenza] any vaccine to persons between the ages of fourteen and seventeen years."

SECTION 4. Section 461-21, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

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

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

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

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

(4) Violation of any of the provisions of this chapter or the rules adopted pursuant thereto;
(5) Violation of any state or federal drug, controlled
substance, or poison law;

(6) False, fraudulent, or deceptive advertising;

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

(8) Failure to comply with a board order;

(9) Making a false statement on any document submitted or
required to be filed by this chapter, including a
false certification of compliance with the continuing
education requirement;

(10) Habitual intemperance or addiction to the use of
habit-forming drugs; or

(11) Administering [the influenza] a vaccine to a person
between fourteen and seventeen years of age without
complying with section 461-11.4."

SECTION 5. This Act does not affect rights and duties that
matured, penalties that were incurred, and proceedings that were
begun before its effective date.

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

SECTION 7. This Act shall take effect upon its approval.
APPROVED this 5 day of MAY, 2015

GOVERNOR OF THE STATE OF HAWAII