



GOV. MSG. NO. 1136

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

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

[Faint handwritten signature]

15 MAY -5 PM 32

SENATOR RONALD D. KOUCHI
RECEIVED MAY 05 2015
@ 3:51 PM

RECEIVED
THE SENATE
CLERK'S OFFICE
STATE OF HAWAII

A BILL FOR AN ACT

RELATING TO VACCINATIONS.

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

1 SECTION 1. Section 461-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "practice of pharmacy" to
3 read as follows:
4 "Practice of pharmacy" means:
5 (1) The interpretation and evaluation of prescription
6 orders; the compounding, dispensing, and labeling of
7 drugs and devices (except labeling by a manufacturer,
8 packer, or distributor of nonprescription drugs and
9 commercially legend drugs and devices); the
10 participation in drug selection and drug utilization
11 reviews; the proper and safe storage of drugs and
12 devices and the maintenance of proper records
13 [~~therefore,~~] therefor; the responsibility for advising
14 when necessary or where regulated, of therapeutic
15 values, content, hazards, and use of drugs and
16 devices;
17 (2) Performing the following procedures or functions as
18 part of the care provided by and in concurrence with a



1 "health care facility" and "health care service" as
2 defined in section 323D-2, or a "pharmacy" or a
3 licensed physician, or a "managed care plan" as
4 defined in section 432E-1, in accordance with
5 policies, procedures, or protocols developed
6 collaboratively by health professionals, including
7 physicians and surgeons, pharmacists, and registered
8 nurses, and for which a pharmacist has received
9 appropriate training required by these policies,
10 procedures, or protocols:

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



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

4 (D) Administering drugs orally, topically, by
5 intranasal delivery, or by injection, pursuant to
6 the patient's licensed physician's order, by a
7 pharmacist having appropriate training that
8 includes programs approved by the 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 of pharmacy;

13 (E) Administering:

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



1 programs, or programs recognized by the
2 board of pharmacy; and
3 (ii) [~~The influenza vaccine~~] Vaccines to persons
4 between fourteen and seventeen years of age
5 pursuant to section 461-11.4;
6 (F) As authorized by a licensed physician's written
7 instructions, initiating or adjusting the drug
8 regimen of a patient pursuant to an order or
9 authorization made by the patient's licensed
10 physician and related to the condition for which
11 the patient has been seen by the licensed
12 physician; provided that the pharmacist shall
13 issue written notification to the patient's
14 licensed physician or enter the appropriate
15 information in an electronic patient record
16 system shared by the licensed physician, within
17 twenty-four hours;
18 (G) Transmitting a valid prescription to another
19 pharmacist for the purpose of filling or
20 dispensing; or



1 (H) Providing consultation, information, or education
2 to patients and health care professionals based
3 on the pharmacist's training and for which no
4 other licensure is required; and

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

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

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

19 SECTION 3. Section 461-11.4, Hawaii Revised Statutes, is
20 amended as follows:



1 1. By amending the title and subsections (a) and (b) to
2 read:

3 "~~[§]461-11.4~~ ~~[Influenza vaccinations,]~~ Vaccinations;
4 **children.** (a) A pharmacist may administer ~~[the influenza]~~ a
5 vaccine to persons between fourteen and seventeen years of age
6 pursuant to a valid prescription. The pharmacist shall verify
7 that the prescriber or the prescriber's authorized agent is the
8 patient's medical home.

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

- 12 (1) The patient's name and date of birth;
13 (2) The type of vaccine administered; and
14 (3) The date and location ~~[on which]~~ that the vaccine was
15 administered."

16 2. By amending subsection (d) to read:

17 "(d) All pharmacists who administer ~~[the influenza~~
18 ~~vaccine]~~ vaccines to persons between the ages of fourteen and
19 seventeen years shall complete a training program approved by
20 the Accreditation Council of Pharmacy Education for which a
21 certificate of completion is issued. The pharmacist shall



1 complete the training program and submit the completion
2 certificate for the training program to the board prior to
3 administering [~~the influenza~~] any vaccine to persons between the
4 ages of fourteen and seventeen years."

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

7 "(a) In addition to any other actions authorized by law,
8 the board [~~shall have the power to~~] may deny, revoke, or suspend
9 any license or permit applied for or issued by the board, in
10 accordance with this chapter, and [~~to~~] fine or otherwise
11 discipline a licensee or permit holder for any cause authorized
12 by law, including but not limited to the following:

- 13 (1) Procuring a license through fraud, misrepresentation,
14 or deceit;
- 15 (2) Professional misconduct, gross carelessness, or
16 manifest incapacity;
- 17 (3) Permitting an unlicensed person to perform activities
18 that require a license under this chapter;
- 19 (4) Violation of any of the provisions of this chapter or
20 the rules adopted pursuant thereto;



- 1 (5) Violation of any state or federal drug, controlled
- 2 substance, or poison law;
- 3 (6) False, fraudulent, or deceptive advertising;
- 4 (7) Any other conduct constituting fraudulent or dishonest
- 5 dealings;
- 6 (8) Failure to comply with a board order;
- 7 (9) Making a false statement on any document submitted or
- 8 required to be filed by this chapter, including a
- 9 false certification of compliance with the continuing
- 10 education requirement;
- 11 (10) Habitual intemperance or addiction to the use of
- 12 habit-forming drugs; or
- 13 (11) Administering [~~the influenza~~] a vaccine to a person
- 14 between fourteen and seventeen years of age without
- 15 complying with section 461-11.4."

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

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

21 SECTION 7. This Act shall take effect upon its approval.



H.B. NO. 253
H.D. 2
S.D. 1

APPROVED this 5 day of MAY, 2015

A handwritten signature in black ink, appearing to read "David Ige". The signature is fluid and cursive, with a large, sweeping flourish at the end.

GOVERNOR OF THE STATE OF HAWAII