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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 that  
4 women are more likely to use prescription contraceptives and  
5 less likely to have unintended pregnancies when barriers to  
6 contraceptive access are lifted. Furthermore, studies have also  
7 indicated that it is safe for women to obtain contraceptive  
8 supplies without a physician and that women can accurately  
9 identify 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 and dispenses  
9 contraceptive supplies 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 and dispenses  
 16       contraceptive supplies pursuant to subsection (a) shall not  
 17       require a patient to schedule an appointment with the pharmacist  
 18       for the prescribing or dispensing of contraceptive supplies."

19       SECTION 3. Section 461-1, Hawaii Revised Statutes, is  
 20       amended as follows:



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

3           "Advanced practice registered nurse" means a person  
4 licensed pursuant to section 457-8.5 and granted prescriptive  
5 authority pursuant to section 457-8.6.

6           "Contraceptive supplies" means all United States Food and  
7 Drug Administration-approved self-administered hormonal  
8 contraceptives."

9           2. By amending the definition of "practice of pharmacy" to  
10 read:

11           ""Practice of pharmacy" means:

12           (1) The interpretation and evaluation of prescription  
13 orders; the compounding, dispensing, and labeling of  
14 drugs and devices (except labeling by a manufacturer,  
15 packer, or distributor of nonprescription drugs and  
16 commercially legend drugs and devices); the  
17 participation in drug selection and drug utilization  
18 reviews; the proper and safe storage of drugs and  
19 devices and the maintenance of proper records  
20 therefor; the responsibility for advising when



1 necessary or where regulated, of therapeutic values,  
2 content, hazards, and use of drugs and devices;  
3 (2) Performing the following procedures or functions as  
4 part of the care provided by and in concurrence with a  
5 "health care facility" and "health care service" as  
6 defined in section 323D-2, or a "pharmacy" or a  
7 licensed physician or a licensed advanced practice  
8 registered nurse with prescriptive authority, or a  
9 "managed care plan" as defined in section 432E-1, in  
10 accordance with policies, procedures, or protocols  
11 developed collaboratively by health professionals,  
12 including physicians and surgeons, pharmacists, and  
13 registered nurses, and for which a pharmacist has  
14 received appropriate training required by these  
15 policies, procedures, or protocols:  
16 (A) Ordering or performing routine drug therapy  
17 related patient assessment procedures;  
18 (B) Ordering drug therapy related laboratory tests;  
19 (C) Initiating emergency contraception oral drug  
20 therapy in accordance with a written  
21 collaborative agreement approved by the board,



1           between a licensed physician or advanced practice  
2           registered nurse with prescriptive authority and  
3           a pharmacist who has received appropriate  
4           training that includes programs approved by the  
5           American Council of Pharmaceutical Education  
6           (ACPE), curriculum-based programs from an ACPE-  
7           accredited college of pharmacy, state or local  
8           health department programs, or programs  
9           recognized by the board of pharmacy;

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

20           (E) Administering:



- 1 (i) Immunizations orally, by injection, or by
- 2 intranasal delivery, to persons eighteen
- 3 years of age or older by a pharmacist having
- 4 appropriate training that includes programs
- 5 approved by the ACPE, curriculum-based
- 6 programs from an ACPE-accredited college of
- 7 pharmacy, state or local health department
- 8 programs, or programs recognized by the
- 9 board of pharmacy; and
- 10 (ii) Vaccines to persons between fourteen and
- 11 seventeen years of age pursuant to section
- 12 461-11.4;
- 13 (F) As authorized by the written instructions of a
- 14 licensed physician or advanced practice
- 15 registered nurse with prescriptive authority,
- 16 initiating or adjusting the drug regimen of a
- 17 patient pursuant to an order or authorization
- 18 made by the patient's licensed physician or
- 19 advanced practice registered nurse with
- 20 prescriptive authority and related to the
- 21 condition for which the patient has been seen by





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

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

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

18 (I) Dispensing an opioid antagonist in accordance  
19 with a written collaborative agreement approved  
20 by the board, between a licensed physician and a  
21 pharmacist who has received appropriate training



1           that includes programs approved by the American  
 2           Council on Pharmaceutical Education (ACPE),  
 3           curriculum-based programs from an ACPE-accredited  
 4           college of pharmacy, state or local health  
 5           department programs, or programs recognized by  
 6           the board; [~~and~~]

7           (3) The offering or performing of those acts, services,  
 8           operations, or transactions necessary in the conduct,  
 9           operation, management, and control of pharmacy[-]; and

10          (4) Prescribing and dispensing contraceptive supplies  
 11          pursuant to section 461-\_\_\_\_\_."

12          SECTION 4. Section 461-8, Hawaii Revised Statutes, is  
 13          amended to read as follows:

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



1 December 31 of each odd-numbered year, shall constitute a  
2 forfeiture of the license as of the date of expiration.

3 (b) Any license forfeited pursuant to subsection (a) may  
4 be restored within three years upon payment of any penalty fee,  
5 the current biennial fees, and the renewal fee for the next  
6 biennium, if applicable, upon submission of proof of compliance  
7 with the continuing education requirement for the prior  
8 biennium, and upon meeting any other requirements specified in  
9 rules adopted pursuant to chapter 91.

10 (c) In the event that the pharmacist has not engaged in  
11 the practice of pharmacy in this State or in another state or  
12 territory of the United States within the past five years, the  
13 board may require the pharmacist to satisfy additional  
14 requirements, as specified in rules adopted pursuant to chapter  
15 91, to demonstrate that the pharmacist is competent to practice  
16 in this State.

17 (d) Beginning with the renewal for the licensing biennium  
18 commencing on January 1, 2008, and every biennial renewal  
19 thereafter, each licensee shall have completed thirty credit  
20 hours in continuing education courses within the two-year period  
21 preceding the renewal date, regardless of the licensee's initial



1 date of licensure; provided that a licensee who has graduated  
2 from an accredited pharmacy school within one year of the  
3 licensee's first license renewal period shall not be subject to  
4 the continuing education requirement for the first license  
5 renewal. The board may extend the deadline for compliance with  
6 the continuing education requirement based on any of the  
7 following:

- 8 (1) Illness, as certified by a physician or osteopathic  
9 physician licensed under chapter 453 or licensed in  
10 the jurisdiction in which the licensee was treated;
  - 11 (2) Military service under extended active duty with the  
12 armed forces of the United States;
  - 13 (3) Lack of access to continuing education courses due to  
14 the practice of pharmacy in geographically isolated  
15 areas; and
  - 16 (4) Inability to undertake continuing education due to  
17 incapacity, undue hardship, or other extenuating  
18 circumstances.
- 19 (e) A pharmacist who administers any vaccine to persons  
20 between the ages of fourteen and seventeen years pursuant to  
21 section 461-11.4 shall complete a training program approved by



1 the board within every other biennial renewal period and submit  
2 proof of successful completion of the training program to the  
3 board; provided that the pharmacist shall meet these  
4 requirements prior to administering any vaccine to persons  
5 between the ages of fourteen and seventeen years.

6 (f) A pharmacist who prescribes and dispenses  
7 contraceptive supplies pursuant to section 461- shall  
8 complete an Accreditation Council for Pharmacy Education program  
9 approved by the board within every other biennial renewal period  
10 and submit proof of successful completion of the continuing  
11 education program to the board.

12 [~~(f)~~] (g) Each licensee shall maintain the licensee's  
13 continuing education records. At the time of renewal, each  
14 licensee shall certify under oath that the licensee has complied  
15 with the continuing education requirement of this section. The  
16 board may require a licensee to submit, in addition to the  
17 certification, evidence satisfactory to the board that  
18 demonstrates compliance with the continuing education  
19 requirement of this section.

20 [~~(g)~~] (h) The board may conduct random audits to determine  
21 compliance with the continuing education requirement. The board



1 shall provide written notice of an audit to a licensee randomly  
2 selected for audit. Within sixty days of notification, the  
3 licensee shall provide the board with documentation verifying  
4 compliance with the continuing education requirement."

5 SECTION 5. 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 may deny, revoke, or suspend any license or permit  
9 applied for or issued by the board, in accordance with this  
10 chapter, and fine or otherwise discipline a licensee or permit  
11 holder for any cause authorized by law, including but not  
12 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; [~~œ~~]
- 13 (11) Administering a vaccine to a person between fourteen
- 14 and seventeen years of age without complying with
- 15 section 461-11.4 [~~-~~]; or
- 16 (12) Prescribing or dispensing contraceptive supplies
- 17 without complying with section 461- ."

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

20 SECTION 7. This Act shall take effect on July 1, 2070.



**Report Title:**

Pharmacists; Prescriptive Authority; Contraceptive Supplies

**Description:**

Authorizes pharmacists to prescribe and dispense self-administered hormonal contraceptive supplies to patients regardless of a previous prescription, subject to specified education and procedural requirements. (SB513 HD2)

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

