

STAND. COM. REP. NO.

2534

Honolulu, Hawaii

MAR 01 2018

RE: S.B. No. 2339
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 2339 entitled:

"A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS,"

begs leave to report as follows:

The purpose and intent of this measure is to require every
pharmacy to accept for disposal the return of any unused,
remaining, or expired prescription drug that the pharmacy
previously dispensed.

Your Committee received testimony in support of this measure
from the University of Hawai'i at Hilo and two individuals. Your
Committee received testimony in opposition to this measure from
Walgreens Co.; Molokai Drug, Inc.; and one individual. Your
Committee received comments on this measure from the Department of
Health, Department of Public Safety, Board of Pharmacy, Kaiser
Permanente Hawai'i, Hawaii Pharmacists Association, Hawaii
Substance Abuse Coalition, Times Pharmacy, and Product Stewardship
Institute.

Your Committee finds that the rates of abuse and diversion of
prescribed medication are on the rise in the State and throughout
the country, with drug poisoning being the leading cause of death
by injury in the United States. Furthermore, according to the
National Institute on Drug Abuse, most prescription drug abusers
obtain their drugs from friends and family, often taking them from



home medicine cabinets without permission. Accordingly, this measure seeks to address the issue of disposal of prescription drugs by requiring a pharmacy to accept for disposal any unused, remaining, or expired prescription drug previously dispensed by the pharmacy.

However, your Committee has heard the concerns that this measure may conflict with federal Drug Enforcement Agency requirements. Your Committee notes that a 2014 federal regulation allows pharmacies to voluntarily implement in-store collection kiosks or provide mail-back envelopes in their stores. However, to implement these systems, pharmacies must pay for collection companies to maintain and dispose of pharmaceutical waste, and abide by strict procedures for the handling of waste. Furthermore, because pharmacies are controlled substance registrants, they generally must ship the drugs that are taken back from the community to a registered reverse distribution company for disposal. As there are no reverse distribution companies in Hawaii, all drugs taken back would have to be shipped to the mainland for disposal at possibly significant costs, which could have a negative effect on Hawaii's small, independent pharmacies. Your Committee also notes that the State has already been working with law enforcement agencies to address the take back of opioids from the community. Your Committee understands these various concerns and concludes amendments to this measure are necessary.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that a pharmacy may, rather than shall, accept for disposal certain prescription drugs, using either collection receptacles or mail-back programs;
- (2) Specifying that opioids are excluded from the prescription drug return for disposal options of a pharmacy; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the



intent and purpose of S.B. No. 2339, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2339, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,

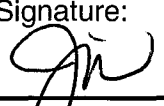


ROSALYN H. BAKER, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2339	CPH	2/15/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
TOKUDA, Jill N. (VC)	/			
CHANG, Stanley	/			
ESPERO, Will	/			
IHARA, Jr., Les				/
NISHIHARA, Clarence K.	/			
RUDERMAN, Russell E.	/			
TOTAL	6			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes