



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on H.B. 2125
RELATING TO PRESCRIPTION DRUGS**

REPRESENTATIVE JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES

Hearing Date: February 8, 2018

Room Number: 329

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health (DOH) respectfully submits the following
3 comments on HB2125. The DOH defers to the Board of Pharmacy of the Department of
4 Commerce and Consumer Affairs on implementation of HRS Chapter 461 and any amendments
5 to current law or regulations that may apply. We also defer to the Department of Public Safety,
6 Narcotics Enforcement Division regarding implications for enforcement.

7 The DOH offers the following comments for consideration:

- 8 1) The DOH has worked in close collaboration with the Narcotics Enforcement Division
9 of the Department of Public Safety, Department of the Attorney General and county
10 law enforcement to implement takeback programs in each county that comply with
11 federal regulations; and
12 2) We request that the Legislature consider whether current law allows pharmacists and
13 pharmacies to conduct takebacks voluntarily, provided that the relevant licensure and
14 credentials are obtained.

15 Thank you for the opportunity to testify on this measure.

**PRESENTATION OF THE
BOARD OF PHARMACY**

TO THE HOUSE COMMITTEE ON
HEALTH AND HUMAN SERVICES

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

Thursday, February 8, 2018
9:00 a.m.

WRITTEN TESTIMONY ONLY

TESTIMONY ON HOUSE BILL NO. 2125, RELATING TO PRESCRIPTION DRUGS.

TO THE HONORABLE JOHN M. MIZUNO, CHAIR, AND MEMBERS OF THE
COMMITTEE:

My name is Lee Ann Teshima, and I am the Executive Officer for the Board of Pharmacy ("Board"). Thank you for the opportunity to offer comments on H.B. 2125, which is a companion to S.B. 2339.

This measure requires pharmacies to accept for disposal the return of any unused, remaining, or expired prescription drugs that the pharmacy previously dispensed.

The Board will be discussing this bill today at its monthly scheduled meeting. Discussion will include some of the Board's concerns with the bill, including: the inability of a patient to return drugs for disposal to another pharmacy that did not dispense the drug; how this bill applies to drugs that are mailed to a patient or to controlled substances; the procedure by which pharmacies will accept drugs for disposal; and how pharmacies will be protected from robbery, theft, or diversion issues.

The Board appreciates the bill's intent that permits safe disposal of unwanted or unused prescription drugs, including controlled substances, and that prevents individuals from obtaining drugs that were not prescribed to them. However, this bill, as currently written, does not provide sufficient guidelines or safeguards for pharmacies to take back drugs for disposal.

Thank you for the opportunity to provide written testimony on H.B. 2125.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
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No. _____

**TESTIMONY ON HOUSE BILL 2125
RELATING TO PRESCRIPTION DRUGS**

by

Nolan P. Espinda, Director
Department of Public Safety

House Committee on Health and Human Services
Representative John M. Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

Thursday, February 8, 2018; 9:00 a.m.
State Capitol, Conference Room 329

Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee:

The State of Hawaii, Department of Public Safety (PSD) appreciates the intent of House Bill (HB) 2125, which would require every pharmacy to accept for disposal the return of any unused, remaining, or expired prescription drug that the pharmacy previously dispensed. PSD, however, offers the following comments.

First, on September 9, 2014, the United States Drug Enforcement Administration (DEA) published in the Federal Register, a lengthy set of regulations regarding the "take back" of drugs from the community by pharmacies, other controlled substances registrants, and law enforcement. In these regulations, the DEA declared that federal controlled substances laws apply to drug take back operations because the collection of drugs taken back from the community includes both controlled and non-controlled substances. If this bill is enacted into law, every pharmacy must comply with these federal regulations.

Second, in their regulations pertaining to pharmacies, DEA has stated that only "retail" pharmacies and "hospitals with an on-site pharmacy," may register to take back drugs from the community. This appears to conflict with HB 2125, which mandates that

“every pharmacy shall accept for disposal” any unused, remaining, or expired prescription drug that they dispensed.

Third, the DEA requires that entities such as a retail pharmacy or a hospital with an on-site pharmacy obtain a controlled substances registration to become a “collector” of drugs taken back from the community. HB 2125 does not require that a pharmacy comply with this federal registration requirement.

Fourth, the DEA regulations require that retail pharmacies and hospitals with an on-site pharmacy maintain appropriate controls over the drugs which are taken back to prevent diversion. This federal requirement is not included in HB 2125. Also, HB 2125 also does not contain a prohibition to prevent pharmacies from recycling drugs that have been taken back from the community.

Fifth, the DEA regulations require that because pharmacies are controlled substances registrants, in most cases, they must “reverse distribute” or ship the drugs that are taken back from the community to a registered reverse distribution company for disposal. PSD would note that, to our knowledge, there are presently no reverse distribution companies in the State of Hawaii. For Hawaii pharmacies, all drugs taken back would have to be shipped to the mainland at possibly significant costs to local pharmacies. Some of our local pharmacies are small businesses.

Finally, PSD would refer the Committee to the 2017 Hawaii Opioid Action Plan. As outlined in Focus Area 4 of the Plan, the recommended method of increasing the amount of drugs taken back from the community is to place take back containers in the various county police stations across the State. Efforts in this regard are currently ongoing.

Thank you for the opportunity to present this testimony.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Health & Human Services
February 8, 2018 at 9:00 a.m.

By
Carolyn Ma, PharmD, BCOP
DEAN
UH Hilo – Daniel K. Inouye College of Pharmacy

HB 2125 – RELATING TO PRESCRIPTION DRUGS

Chair Mizuno, Vice Chair Kobayashi, and members of the committee:

My name is Carolyn Ma, and I am the Dean for the UH Hilo Daniel K. Inouye College of Pharmacy (DKICP). University of Hawai'i at Hilo fully supports this bill that will amend HRS 461 and require a pharmacy to accept for disposal the return of unused, remaining, or expired prescription drugs that the pharmacy previously dispensed.

Unused medications in households and at various patient care facilities expose residents to potential harm due to mistaken ingestion and increase the potential for theft and assault. In children ≤ 5 years old, medication overdoses are the most common.¹ Annually, more than 71,000 children under the age of 19 present to emergency rooms for unintentional overdoses of prescription and over the counter drugs annually.² The problem can add to drug abuse in young adults aged 18-25 (5.9%) while 3% of teens (12-17 yrs) have the second highest rate.³ So called "pharm parties", social gatherings where prescription drugs are consumed with alcohol have gained popularity in recent years in both age groups.^{3,4}

In partnership with the Narcotics Enforcement Department, the DKICP has participated in annual Drug Take Back events since 2012. In 2014, our efforts to quantify and describe the types of returned medications was published in the Hawaii Journal of Medicine and Public Health.⁵ In 2 large Drug Take Back events at the annual Good Life Senior Expo (3 days) and at 9 one-day events on O'ahu, Maui, Kaua'i and Hawai'i Island, a total of over 8000 pounds of medications were recovered. Seven of the top 10 types of medications were classified as cardiovascular agents. The most common non-prescription medications included aspirin, naproxen and ibuprofen. Controlled substances comprised 10% of the returned medications, the most common was the combination hydrocodone/acetaminophen medications (CII). The DEA also continues to hold Drug Take Back events.

Other states such as California have passed laws that mandate pharmacies, police or fire departments to accept unused medications. Certainly, logistics, safety and security

issues need to be discussed and detailed, however, the need for this law will help to increase public safety.

Thank you for the opportunity to provide testimony on HB 2125.

References

1. Schillie SF, Sheab N, Thomas KE, Budnitz DS, Medication overdoses leading to emergency department visits among children, *A. J. Pre. Med.* 2009;37(3):181-7.
2. Epidemic Responding to America's Prescription Drug Crisis. Executive Office of the President of the United States (2011)
3. Prescription Drug: abuse and Addiction Adolescents and young adults. National Institute on Drug Abuse
4. Leinwand D. Prescription place in teen culture. *USA Today.* June 13, 2006
5. Ma, CS, Batz, F, Taira Juarez, D, Ladao, L, Drug Take Back in Hawai'i: Partnership Between the University of Hawai'i Hilo College of Pharmacy and The Narcotics Enforcement Division. *HJMPH* 2014;73:1(26-31)

HB-2125

Submitted on: 2/7/2018 8:21:24 AM

Testimony for HHS on 2/8/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:

**PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAII
TO THE COMMITTEE ON HEALTH & HUMAN
SERVICES THE HOUSE OF
REPRESENTATIVES
TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018
Thursday, February 8, 2018
9:00 a.m.
Hawaii State Capitol, Conference Room 329**

RE: Testimony in Support of HB 2125, RELATING TO PRESCRIPTION DRUGS

To the Honorable John M. Mizuno, Chair; the Honorable Bertrand Kobayashi, Vice-Chair, and Members of the Committee on Health & Human Services:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee (“OCC”) Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on House Bill No. 2125 relating to the return of prescription drugs for disposal at the pharmacies from which they were purchased.

The OCC Legislative Priorities Committee is in support of House Bill No. 2125 and is in favor of its passage.

House Bill No.2125 is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requires every pharmacy to accept for disposal the return of any unused, remaining, or expired prescription drug that the pharmacy previously dispensed.

Specifically, the DPH Platform provides that "[w]e believe in supporting best management practices in sustaining our environment and in increased citizen involvement. We support programs that encourage sustainable clean, efficient, creative and environmentally friendly modes of transportation recycling and waste reduction. . . . We believe in the vigorous enforcement of our environmental laws and increased public-private stewardships and citizen involvement in protecting our resources." (Platform of the DPH, P. 8, Lines 413-415, 432-433 (2016)).

Given that House Bill No. 2125 allows for the return of prescription drugs for disposal at the pharmacies from which they were purchased thereby protecting our environment and against the risk of unintended 3rd-party misuse and abuse, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ **Melodie Aduja**

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889

HB-2125

Submitted on: 2/5/2018 8:21:33 PM

Testimony for HHS on 2/8/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall		Support	No

Comments:



SanHi

GOVERNMENT STRATEGIES
A LIMITED LIABILITY LAW PARTNERSHIP

DATE: February 7, 2018

TO: Representative John Mizuno
Chair, Committee on Health and Human Services
Submitted Via Capitol Website

RE: **H. B. 2125 Relating to Prescription Drugs**
Hearing Date: Thursday, February 8th, 2018 at 9:00 a.m.
Conference Room: 329

Dear Chair Mizuno and Members of the Committee on Health and Human Services:

We submit this testimony on behalf of Walgreen Co. (“Walgreens”). Walgreens operates stores at more than 8,200 locations in all 50 states, the District of Columbia, and Puerto Rico. In Hawaii, Walgreens now has 19 stores on the islands of Oahu, Maui, and Hawaii.

Walgreens **strongly opposes** HB 2125, which requires every pharmacy to accept for disposal the return of any unused, remaining, or expired prescription drug that the pharmacy previously dispensed.

Walgreens has been a leader in finding solutions to combat prescription drug misuse. On the mainland, Walgreens has piloted the installation of over 500 drug takeback kiosks states across the country.

Walgreens strongly opposes the proposal in this bill to mandate pharmacies to take back unused, remaining or expired prescriptions in their stores. This requirement is very problematic because there is no DEA sanctioned facility in the islands to dispose of such medications. Pharmaceutical waste generated by pharmacies cannot be destroyed in any other way. In addition, it would be against federal law for Walgreens to ship pharmaceutical waste for disposal.

Walgreens has long been in support of the drug takeback events in Hawaii, and would be open to more collaboration with the Department of Public Safety to help promote these events. However, we cannot support this bill because it would leave pharmacies with no way to legally dispose of collected prescription drugs.

For these reasons, we respectfully oppose this measure and request that it be held in Committee. Thank you for the opportunity to testify on this bill.

HB-2125

Submitted on: 2/7/2018 3:10:08 PM

Testimony for HHS on 2/8/2018 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kathryn Braun		Support	No

Comments:

I am professor and director of Public Health at the University of Hawai'i, testifying as an individual in support of HB 2125, **Relating to Prescription Drugs**.

This bill would require every pharmacy to accept for disposal the return of any unused, remaining, or expired prescription drug that the pharmacy previously dispensed.

I support this bill because, as a caregiver for my aged parents, I have had a very difficult time disposing of drugs. My step-mother's medications changed a lot, and I had no idea how to dispose of the unused ones. At first I flushed them down the toilet. But then I realized that they would end up in our water supplies, putting others at risk.

After she died, I took all her a vast quantity of remaining pills to the pharmacy (in New Jersey), thinking this was a good way to dispose of them. The pharmacy refused to take them, and did not have any suggestions for me. I threw them in the trash, but I'm sure this is not good either....the rain would soak through the landfill, and the drugs would end up in the water.

I urge you support this bill. It will help caregivers dispose of unused meds. Our population is aging, and this bill proposes a good solution to a problem that will only grow in size.

Aloha, Kathryn Braun

LATE

HB-2125

Submitted on: 2/7/2018 12:59:06 PM
Testimony for HHS on 2/8/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patrick Uyemoto		Comments	Yes

Comments:

The Hawaii Pharmacists Association would like to offer comments on HB2125

Aloha Representative Mizuno, Representative Kobayashi, and Members of the Committee,

The Hawaii Pharmacists Association strongly supports the intent of the bill to allow for safe disposal of prescription drugs so that unwanted or unused drugs, including controlled substances are removed from our communities.

We do have reservations about how this medication take back service will actually work. Here are some of our concerns:

- Since a pharmacy can only accept returns for a prescription they previously filled, labor would increase because someone at the pharmacy would need to check each and every prescription returned to make sure it was dispensed by them. An additional complication arises if the patient does not return the medications in the original bottles from the pharmacy and instead has a number of loose tablets for example in a ziplock bag. Would it be the pharmacies responsibility to identify each tablet and check if it was dispensed by them?
- Are there going to be regulations about what medications can and cannot be returned? Needles and syringes could be a potential safety issue for pharmacy staff.
- After accepting the returned medications, will it be the pharmacy's responsibility to dispose of them? If so this will increase labor and costs for the pharmacy.
- Pharmacies keep inventory of every medication prior to being dispensed and sold. Once it leaves the pharmacy it is subtracted from the inventory and no longer accounted for. If pharmacies are going to accept returned medications, a

system would need to be created to hold people accountable for what is being returned and the quantity.

- Diversion is also another issue that needs to be taken into consideration. This does not only include pharmacy employees but also drug seeking individuals who are aware that patients may be returning narcotics and controlled medications to the pharmacy which can potentially become a safety issue.

Once again I would like to reiterate that we strongly support the intent of this bill but the bill in its current state does not address logistical, financial, and safety factors that accompany implementing this medication return service.

Thank you for the opportunity to provide comments on HB2125

HB-2125

Submitted on: 2/7/2018 4:42:14 PM

Testimony for HHS on 2/8/2018 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kerri Okamura		Oppose	No

Comments:

Testimony of
Jonathan Ching
Government Relations Specialist

Before:
House Committee on Health & Human Services
The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair

February 8, 2018
9:00 a.m.
Conference Room 329

Re: HB2125, Relating to Prescription Drugs

Chair Mizuno, Vice-Chair Kobayashi, and committee members, thank you for this opportunity to provide testimony on HB2125, which requires every pharmacy to accept for disposal the return of any unused, remaining, or expired prescription drug that the pharmacy previously dispensed.

Kaiser Permanente Hawai'i supports the intent of HB2125 but requests an AMENDMENT

Kaiser Permanente Hawai'i is keenly aware that abuse and diversion of prescribed medication continues to rise around our state and country. Drug poisoning is the leading cause of death by injury in the United States, according to the U.S. Drug Enforcement Administration Opioid painkillers accounted for 42,249 drug overdoses — 115 a day — in 2016, the most recent year for which statistics are available from the U.S. Centers for Disease Control and Prevention. According to the National Institute on Drug Abuse, most of prescription drug abusers get their drugs from friends and family, often taking them from home medicine cabinets without asking.

We are committed to providing opportunities for anyone to dispose of unwanted prescription medication in a safe, environmentally appropriate, and accountable manner. In furtherance of this commitment, we believe there are other viable safe drug disposal options. Currently, all of Kaiser Permanente Hawai'i's outpatient pharmacies offer "mail back" postage-paid envelopes that can be used to send unwanted medications to a registered pharmaceutical waste handler for disposal in an environmentally safe manner in accordance with federal and state regulations. These envelopes are available to all members of the public during regular pharmacy hours.

While we support the intent of HB2125, we offer an **amendment** to make it consistent with a 2014 federal rule regarding the disposal of pharmaceutical controlled substances in accordance with the

Controlled Substance Act, as amended by the Secure and Responsible Drug Disposal Act of 2010.¹ Under 21 C.F.R. § 1317, authorized collectors² may collect pharmaceutical controlled substances from ultimate users using one of the following methods: collection receptacles, or mail-back programs. We respectfully ask the committee to consider adopting the following amendment:

"§461- Return for disposal of unused, remaining, or expired drugs required. Every pharmacy shall accept for disposal from any person the return of any unused, remaining, or expired prescription drug that the pharmacy previously dispensed using one of the following methods: (1) collection receptacles; or (2) mail-back programs."

Finally, we note that Hawai'i Administrative Rules currently prohibit the return of any prescription medications to retail pharmacies after dispensing, preventing these pharmacies from serving as return points for unwanted/unused medications.³

We respectfully request consideration of our amendment. Thank you for the opportunity to testify on this measure.

¹ Disposal of Controlled Substances, 79 Fed. Reg. 53520 (Sept. 9, 2014) (to be codified at 21 C.F.R. pts. 1300, 1301, 1304, 1305, 1307 and 1317). Available at: <https://www.gpo.gov/fdsys/pkg/CFR-2017-title21-vol9/pdf/CFR-2017-title21-vol9-sec1317-05.pdf>.

² Manufacturers, distributors, reverse distributors, narcotic treatment programs, hospitals/clinics with an on-site pharmacy, and retail pharmacies that desire to be authorized collectors may do so by modifying their registration with the DEA to obtain authorization to be a collector.

³ Hawaii Administrative Rules Title 16 Chapter 95 Pharmacists and Pharmacies Return or exchange of drugs prohibited (§16-95-87). Available at: https://cca.hawaii.gov/pvl/files/2013/08/HAR-16-95-C_0816.pdf.