

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 2339, SENATE DRAFT 1
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

Tuesday, March 13, 2018; 8:30 a.m.
State Capitol, Conference Room 329

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

The Department of Public Safety (PSD) appreciates the intent of Senate Bill (SB) 2339, Senate Draft (SD) 1, 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 SB 2339, SD 1, which would mandate 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. SB 2339, SD 1 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 SB 2339, SD 1. Also, SB 2339, SD 1 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.

**PRESENTATION OF THE
BOARD OF PHARMACY**

TO THE HOUSE COMMITTEE ON
HEALTH AND HUMAN SERVICES

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

Tuesday, March 13, 2018
8:30 a.m.

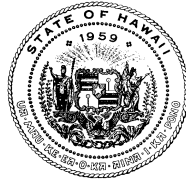
**TESTIMONY ON SENATE BILL NO. 2339, S.D. 1, RELATING TO PRESCRIPTION
DRUGS.**

TO THE HONORABLE JOHM 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 testify on S.B. 2339, S.D. 1, which is a companion to H.B. 2125.

This measure allows pharmacies to accept for disposal the return of any unused, remaining, or expired prescription drugs that the pharmacy previously dispensed. The Board supports the safe disposal of unwanted or unused prescription drugs, including controlled substances, as that prevents individuals from obtaining drugs that were not prescribed to them. However, the Board has the following concerns with S.B. 2339, S.D. 1, as this bill does not:

- Allow a patient to return drugs for disposal to another pharmacy that did not dispense the drug;
 - Address prescription drugs that are mailed to a patient;
 - Allow for the return of controlled substances;
 - Include sufficient guidelines or procedures by which pharmacies will accept drugs for disposal by collection receptacles or mail-back programs; and
 - Include safeguards to protect pharmacies from robbery, theft, or diversion issues.
- Thank you for the opportunity to provide testimony on S.B. 2339, S.D. 1.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on SB 2339, SD1
RELATING TO PRESCRIPTION DRUGS**

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

Hearing Date: March 13, 2018

Room Number: 329

1 **Fiscal Implications:** None.

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

6 The DOH refers the Committee to the Hawaii Opioid Action Plan (December 2017). The
7 Plan's recommended method to increase the amount of drugs taken back from the community is
8 to place containers in various county police stations. According to Plan Objective 4-2, "By
9 January 2019, implement year-round drop off / "takeback" sites at a minimum of two county
10 police stations within the State to include protocols for disposal of unused medications in a safe
11 and secured manner." This effort is currently in progress.

12 The DOH continues to work in close collaboration with PSD, the Department of the
13 Attorney General and county law enforcement to implement takeback programs in each county
14 that comply with federal regulation.

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



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Health & Human Services
March 13, 2018 at 8:30 a.m.

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

SB 2339 SD1 – 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). As designated lead for UH Hilo and on behalf of Interim Chancellor Dr. Marcia Sakai, University of Hawai'i at Hilo fully supports this bill with the proposed amendments that pharmacies may accept for disposal certain prescription medications (excluding controlled substances) utilizing either collection receptacles or mail-back programs.

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.² The problem can add to drug abuse in young adults aged 18-25 (5.9%) while 3% of teens (12-17yrs) 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 Division, 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 were published in the Hawai'i Journal of Medicine and Public Health.⁵ In two large drug take back events at the annual Good Life Senior Expo (3 days) and 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 annual drug take back events.

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)

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

March 13, 2018
8:30 a.m.
Conference Room 329

Re: SB2339 SD1, Relating to Prescription Drugs

Chair Mizuno, Vice-Chair Kobayashi, and committee members, thank you for this opportunity to provide testimony on SB2339 SD1, which authorizes pharmacies to accept for disposal the return of any unused, remaining, or expired prescription drugs, excluding opioids, that the pharmacy previously dispensed, via collection receptacles or mail-back programs.

Kaiser Permanente Hawai‘i supports the intent of SB2339 SD1 and offers the following COMMENTS

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, which is an “authorized collector” under federal rules, for disposal in an environmentally safe manner in accordance with federal and state regulations. These envelopes are available during regular pharmacy hours.

We appreciate that a previous committee has amended SB2339 SD1 to authorize rather than mandate pharmacies to accept unwanted prescriptions for disposal, which may have had a significant financial and administrative burden, especially on smaller, community pharmacies.

Finally, we believe this would still help to provide clarity over existing Hawai'i Administrative Rules, which 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.¹

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

¹ 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. See also H.A.R. § 23-200-20, Procedures for disposal of controlled substances.



SB2339 SD1 Prescription Drug Disposal

HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES:

- Representative John Mizuno, Chair; Representative Bertrand Kobayashi, Vice Chair
- Tuesday, March 13th, 2018: 8:30 a.m.
- Conference Room 329

HAWAII SUBSTANCE ABUSE COALITION Comments SB2339:

GOOD MORNING CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide hui of almost 40 non-profit alcohol and drug treatment and prevention agencies.

There exists a pilot project for 2 police stations to develop medication drop off points to learn the various federal and state rules, costs for disposal and best practices before widespread implementation.

The statewide opioid task force of about 150 participants, including pharmacies, discussed this option at length, determining more information about appropriate procedures are needed before implementation.

Pharmacies are not the best choice at this time until laws are known (so as not to get arrested) and associated costs are identified.

This bill is premature until the Department of Health and Law Enforcement determine legal implications before enacting this law.

We appreciate the opportunity to provide testimony and are available for questions.



SanHi

GOVERNMENT STRATEGIES
A LIMITED LIABILITY LAW PARTNERSHIP

DATE: March 12, 2018

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

RE: **S.B. 2339, S.D.1 Relating to Prescription Drugs**
Hearing Date: Tuesday, March 13th, 2018 at 8:30 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 **submits comments** regarding S.B. 2339 S.D.1, which authorizes pharmacies to accept for disposal the return of any unused, remaining, or expired prescription drugs, excluding opioids, that the pharmacy previously dispensed, via collection receptacles or mail-back programs.

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

Walgreens appreciates that this bill was amended from its original proposal to mandate that pharmacies take back unused, remaining or expired prescriptions in their stores, and now simply authorizes them to do so. In 2014, the Federal Drug Enforcement Agency issued rules to allow pharmacies to voluntarily implement in-store collection kiosks or provide mail-back envelopes in their stores. However, in order to implement these systems, pharmacies have to pay for collection companies to maintain and dispose of pharmaceutical waste, and abide by strict procedures for the handling of the waste.

We would recommend that, if the committee is inclined to pass this measure, the bill be amended so that it is clear that all drug take back systems: 1) follow federal law and 2) allow for the take back of all prescription drugs, rather than just those that originated from the pharmacy they were dispensed from.

We would note that in other jurisdictions that are addressing this issue (including several counties in California and Washington, and now a bill pending in Washington state), drug manufacturers are being given responsibility for implementing drug take back collection, handling and disposal systems. In these systems, manufacturers are required to pay for a drug take back system, and may partner with pharmacies, hospitals or clinics to accomplish this goal.

We would be happy to participate in additional discussions with law enforcement, chain and community pharmacies, hospitals/clinics and drug manufacturers about how a more comprehensive drug take back program could be developed in Hawaii.

Thank you for the opportunity to testify on this bill.

SB-2339-SD-1

Submitted on: 3/12/2018 8:13:01 AM

Testimony for HHS on 3/13/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments: