

## **Testimony of the Board of Pharmacy**

**Before the  
House Committee on Health  
Tuesday, February 12, 2019  
9:00 a.m.  
State Capitol, Conference Room 329**

### **On the following measure: H.B. 1272, RELATING TO PRESCRIPTION DRUGS**

Chair Mizuno and Members of the Committee:

My name is Lee Ann Teshima, and I am the Executive Officer of the Board of Pharmacy (Board). The Board supports this bill.

The purposes of this bill are to: (1) authorize pharmacies to accept the return of any prescription drug for disposal via collection receptacles or mail-back programs; (2) prohibit pharmacies from re-dispensing returned prescription drugs or from accepting returned prescription drugs in exchange for cash or credit; and (3) require the pharmacist-in-charge to ensure that only authorized reverse distributors acquire prescription drugs collected via collection receptacles or mail-back programs.

During the summer, the Board established a Pharmacy Working Group (Group), which consisted of major stakeholders in the pharmacy industry, including, but not limited to, representatives from both local independent and chain store pharmacies, the medical community, the Department of Health, the Department of Public Safety's Narcotics Enforcement Division, and the insurance industry. In particular, the Group discussed legislation introduced during the 2018 legislative session, including those measures that were enacted into law, measures that did not pass, and other measures that affected the pharmacy scope of practice.

For the Committee's information, one of the many topics discussed was the safe disposal of prescription drugs. The Group determined that this issue should be addressed to:

- Prevent unused or unwanted drugs, including controlled substances, from being diverted to an unintentional user;
- Ensure the safe disposal of prescription drugs to avoid polluting or contaminating landfills and oceans; and

Testimony of the Board of Pharmacy

H.B. 1272

Page 2 of 2

- Give consumers more accessibility to pharmacies that receive these drugs through a secured collection receptacle and to obtain information on mail-back programs.

The Board believes that ensuring the safe and convenient disposal of unused or unwanted opioid drugs by participating pharmacies will help address the nationwide opioid epidemic.

Thank you for the opportunity to testify on this bill.



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

---

Testimony Presented Before the  
House Committee on Health  
Tuesday, February 12, 2019 at 9:00 a.m., Room 329

by

Marcia Sakai

Interim Chancellor

and

Carolyn Ma, PharmD, BCOP

Dean

Daniel K. Inouye College of Pharmacy (DKICP)  
University of Hawai'i at Hilo

### HB 1272 – 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 with the proposed amendments that authorize certain pharmacies to collect prescription drugs for disposal via collection receptacles or mail-back programs; and prohibits pharmacies from redispensing or returning prescription drugs that have been returned for disposal.

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  $\leq 5$  years old, medication overdoses are the most common.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> So called "pharm parties", social gatherings where prescription drugs are consumed with alcohol have gained popularity in recent years in both age groups.<sup>3,4</sup>

In partnership with the Narcotics Enforcement Division, the DKICP has participated in annual Drug Take Back events since 2012 and annually we hold Drug Take Back events during our DKICP Annual Health Fair in Hilo. In 2014, we published in the Hawai'i Journal of Medicine and Public Health, our efforts to quantify and describe the types of returned medications.<sup>5</sup> In two large drug take back events at the annual Good Life Senior Expo (3 days) and nine, 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 Drug Enforcement Agency (DEA) also continues to hold successful annual drug take back events and there are 10 drug return kiosks in the police stations on Maui, Kaua'i and Hawai'i Island. However, there remains need for additional mechanisms to return unused medications.

We support this initiative and appreciate the opportunity to provide testimony.

---

## 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)



**SanHi**

GOVERNMENT STRATEGIES  
A LIMITED LIABILITY LAW PARTNERSHIP

DATE: February 11, 2019

TO: Representative John Mizuno  
Chair, Committee on Health

*Submitted Via Capitol Website*

FROM: Mihoko Ito

RE: **H.B. 1272 – Relating to Prescription Drugs**  
**Hearing Date: Tuesday, February 12, 2019 at 9:00 a.m.**  
**Conference Room: 329**

---

Dear Chair Mizuno and Members of the Committee on Health:

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 **supports H.B. 1272**, which authorizes pharmacies to accept the return of any prescription drug for disposal via collection receptacles or mail-back programs, pursuant to federal law.

Walgreens has been a leader in finding solutions to combat prescription drug misuse. On the mainland, Walgreens has installed over 1500 drug takeback kiosks in states across the country.

Walgreens supports the language in this bill because it allows for pharmacies to participate in drug take back programs, provided that they follow the existing federal framework. Under the federal law, pharmacies can voluntarily establish drug or participate in mail back programs. To establish a kiosk, pharmacies must register and follow the rigorous procedures set forth by the Drug Enforcement Agency for handling and disposing the collected waste.

We would note that in other jurisdictions that are addressing this issue, drug manufacturers have been given responsibility for implementing drug take back collection, handling and disposal systems. In these systems, manufacturers are required to pay for drug take back systems, and may partner with pharmacies, hospitals or clinics to accomplish this goal. Walgreens believes that it would be valuable in future discussions to include all of the entities potentially involved in

pharmaceutical waste collection including law enforcement, chain and community pharmacies, hospitals/clinics and drug manufacturers.

Thank you for the opportunity to submit testimony regarding this measure.

**HB-1272**

Submitted on: 2/11/2019 8:15:35 AM

Testimony for HLT on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chad Kawakami	Individual	Support	No

Comments:

My name is Chad Kawakami and I am an Assistant Professor of Pharmacy Practice with the Daniel K. Inouye College of Pharmacy and I support this bill.

This bill will go a long way toward protecting our community by providing everyone with a means of safe drug disposal. I have seen many times as a geriatric pharmacist how accumulation of old medication can lead to adverse outcome. I strongly support this bill.

Thank you,

Chad Kawakami



**LATE**

February 11, 2019

The Honorable John M. Mizuno, Chair  
The Honorable Bertrand Kobayashi, Vice Chair  
House Committee on Health

Re: HB 1272 – Relating to Prescription Drugs

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

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on HB 1272, which authorizes pharmacies to accept the return of any prescription drug for disposal via collection receptacles or mail-back programs; prohibits pharmacies from redispensing returned prescription drugs or from accepting returned prescription drugs in exchange for cash or credit; requires the pharmacist-in-charge to ensure that only authorized reverse distributors acquire prescription drugs collected via collection receptacles or mail-back programs.

HMSA supports addressing the safe disposal of unused or unwanted opioid drugs. We believe this measure promotes patient safety by allowing pharmacies to accept prescription drugs for disposal in a way that is convenient and accessible for the public.

Thank you for the opportunity to provide testimony on this measure.

Sincerely,

Pono Chong  
Vice President, Government Relations



**HB-1272**

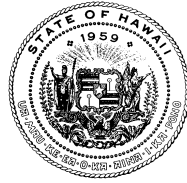
Submitted on: 2/11/2019 9:48:05 PM

Testimony for HLT on 2/12/2019 9:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:



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

**LATE**

**Testimony COMMENTING on (HB 1272)  
RELATING TO PRESCRIPTION DRUGS**

REPRESENTATIVE JOHN M. MIZUNO, CHAIR  
HOUSE COMMITTEE ON HEALTH

Hearing Date: February 12, 2019      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 also respectfully requests the Committee to consider the language in HB 1443,  
7    Relating to Drug Disposal. One of the goals of the Hawaii Opioid Initiative is to increase the  
8    amount of prescription drugs taken back from the community by implementing at least two more  
9    year-round “take back” sites on Oahu as a step to expand the collection effort statewide. The  
10    language in HB 1443 provides the necessary structure for authorized collectors of controlled  
11    substances such as hospitals, clinics with on-site pharmacies, retail pharmacies and law  
12    enforcement agencies to operate a statewide take back system for disposal of unwanted  
13    controlled substances.

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

17            Thank you for the opportunity to provide testimony.

**LATE**

**Michael J. Ayotte, R.Ph.**  
Vice President Government Affairs  
1275 Pennsylvania Ave., NW  
Suite 700  
Washington, DC 20004

**p** 202-772-3516  
**c** 804-337-4806

Michael.ayotte@cvshealth.com

February 12, 2019

Representative John Mizuno, Chair  
Representative Bertrand Kobayashi, Vice Chair  
Committee on Health

RE: HB 1272 Relating to Prescription Drugs – in support, requesting amendments  
February 12, 2019, 9:00 a.m., conference room 329

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

CVS Health is the nation's premier health innovation company helping people on their path to better health. Whether in one of its pharmacies or through its health services and plans, CVS Health is pioneering a bold new approach to total health by making quality care more affordable, accessible, simple and seamless. CVS Health is community-based and locally focused, engaging consumers with the care they need when and where they need it, and we operate 72 pharmacies in Hawaii under the Long's banner. The Company has more than 9,800 retail locations, more than 1,100 walk-in medical clinics, a leading pharmacy benefits manager with approximately 93 million plan members, a dedicated senior pharmacy care business serving more than one million patients per year, expanding specialty pharmacy services, and a leading stand-alone Medicare Part D prescription drug plan. CVS Health also serves an estimated 39 million people through traditional, voluntary and consumer-directed health insurance products and related services, including a rapidly expanding Medicare Advantage offering. This innovative health care model increases access to quality care, delivers better health outcomes and lowers overall health care costs.

We share the Hawaii State Legislature's concern that across the country, many lives in the communities we serve are being disrupted by opioid misuse. Supporting the prevention of opioid abuse requires the active involvement of stakeholders throughout the health care community, as well as law enforcement and regulatory agencies, and CVS Health is committed to being part of the solution.

For several years, as part of these enterprise efforts to fight opioid abuse, CVS Health has supported the Medication Disposal for Safer Communities Program, which provides police departments across the United States with an easy way to obtain a drug collection unit for their locations. Through this program, created with the Partnership for Drug-Free Kids, CVS Health has donated more than 940 medication disposal units to local police departments in 43 states, collecting more than 227 metric tons of unwanted medication. Beginning in 2017, CVS Health expanded its total disposal units to 1,550 kiosks, including the phase-in of over 750 additional disposal units in CVS Pharmacy locations across the country. To date, under this initiative, 762 in-store kiosks have been installed, which have collected 77 metric tons of medication.

As part of our expansion of drug disposal initiatives, CVS Health would like to offer its support for HB 1272, which we believe provides the appropriate regulatory framework to guide the installation of disposal units in Hawaii. We are, however, requesting the Committee consider the adoption of an amendment to HB 1272 that would expand the conditions under which pharmacies could accept drug returns. The proposed amendment language is provided as part of our written testimony, and is in line with the regulatory approach taken in other states on pharmacy drug returns and drug disposal.

Proposed Amendment to House Bill 1272 – Page 2 Line 16

461- Return for disposal of unused, remaining, or expired drugs; pharmacy options.

- (a) No pharmacy shall accept the return of any prescription drug unless:
- (1) The pharmacy is collecting the prescription drug for disposal only; ~~and~~
  - (2) The prescription drug was dispensed in error;
  - (3) The prescription drug was defective, adulterated, misbranded, and dispensed beyond its expiration date or subject to a recall;
  - (4) The prescription drug was unable to be delivered and remained in the custody and control of the pharmacy or agent of the pharmacy;
  - ~~(5)~~(2) The pharmacy is registered with the United States Drug Enforcement Administration as an authorized collector pursuant to title 21 Code of Federal Regulations section 1317.40.

Thank you for considering our testimony today, and we ask for your favorable consideration in passing HB 1272 with our requested amendments. We appreciate your interest in expanding drug disposal and take back initiatives in Hawaii.

Should there be any questions, I may be reached at 202-772-3516 or by e-mail at [Michael.Ayotte@cvshealth.com](mailto:Michael.Ayotte@cvshealth.com).

Sincerely,



Michael J. Ayotte, R.Ph.  
Vice President Government Affairs