

ACT 183

H.B. NO. 1272

A Bill for an Act Relating to Prescription Drugs.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that several laws to address the nationwide opioid epidemic were passed during the 2018 legislative session, including laws allowing pharmacists to prescribe and dispense opioid antagonists to patients who are at risk of an opioid overdose; requiring health care providers in the workers' compensation system to adopt and maintain policies for informed consent to opioid therapy in circumstances that carry elevated risk of dependency; limiting concurrent opioid and benzodiazepine prescriptions in the workers' compensation system; and requiring packaging on opioid drugs to include a label warning of the risks of overdose and addiction.

However, the legislature finds that additional measures need to be enacted in order to address the safe disposal of unused or unwanted opioid drugs. Allowing pharmacies to accept prescription drugs for disposal provides a convenient, accessible method for Hawaii residents to dispose of opioid drugs that are no longer needed.

The purpose of this Act is to:

- (1) Authorize certain pharmacies to collect prescription drugs for disposal via secured collection receptacles or mail-back programs; and
- (2) Prohibit pharmacies from redispensing or returning prescription drugs that have been returned for disposal.

SECTION 2. Chapter 461, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§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 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.
- (b) No prescription drug returned to the pharmacy for disposal shall be redispensed or returned for cash or credit.
- (c) Any pharmacy accepting prescription drugs for disposal shall use the following methods:
- (1) Secured collection receptacles in compliance with title 21 Code of Federal Regulations section 1317.75; or
 - (2) Mail-back programs.
- (d) In any pharmacy accepting prescription drugs for disposal under this section, the pharmacist-in-charge shall ensure that only Drug Enforcement

Administration approved reverse distributors acquire prescription drugs collected through collection receptacles and mail-back programs.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2019.

(Approved July 2, 2019.)

Note

1. Edited pursuant to HRS §23G-16.5.