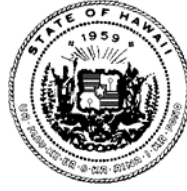


JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



CATHY BETTS  
DIRECTOR  
KA LUNA HO'OKELE

JOSEPH CAMPOS II  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF HUMAN SERVICES**  
KA 'OIHANA MĀLAMA LAWELAWE KANAKA  
Office of the Director  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 21, 2023

TO: The Honorable Senator Jarrett Keohokalole, Chair  
Senate Committee on Commerce & Consumer Protection

FROM: Cathy Betts, Director

SUBJECT: **SB 608 SD1 – RELATING TO PRESCRIPTION DRUGS.**

Hearing: Wednesday, February 22, 2023, 9:35 a.m.  
Conference Room 229 & Videoconferencing, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of the measure and provides comments.

**PURPOSE:** The purpose of the bill requires pharmacies to provide accessible prescription drug label information to individuals who have difficulty seeing or reading standard printed prescription drug container labels and inform the public that prescription drug label information is available in alternate accessible formats for individuals who have difficulty seeing or reading prescription drug container labels. Requires the Board of Pharmacy to adopt certain rules by December 31, 2023. Effective 12/31/2050. (SD1)

The SD1 defected the effective date and made technical amendments.

DHS appreciates local pharmacies' assistance to Hawaii's vulnerable populations throughout the pandemic and defers to them regarding implementing the measure's provisions. However, the ability to read one's prescription medication labels in an accessible format is an essential matter of public health and safety and should be available to all of

Hawaii's people. In addition, DHS supports efforts that improve accessibility for individuals with disabilities and enhances their independence.

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

Testimony of James Gashel

Submitted for National Federation of the Blind of Hawaii

Committee on Commerce and Consumer Protection (CPN)

Hawaii State Senate

Thirty-second Legislature, regular session of 2023

February 22, 2023, 9:35 AM, decision making on SB608 S.D.1

Good morning chair, vice chair, and members. I am James Gashel, representing the National Federation of the Blind of Hawaii, fully supporting SB608 S.D.1, previously heard and approved by the Committee on Health and Human Services (HHS). Much mahalo to Senator San Buenaventura who also chairs our Deaf and Blind Task Force for bringing this bill forward this year.

This bill will help people identify their prescriptions and access instructions about when and how much to take. The target group is people who have difficulty reading printed prescription drug labels due to vision loss or for any other reason. As the bill explains, label information can be displayed in alternate accessible formats.

Existing state law requires dispensing pharmacies to label each prescription drug container with specific information, identifying the drug and providing information necessary for health and safety. However, individuals may often be unable to see or read labels due to disability or age, including individuals with low vision or blindness, affecting as many as an estimated 60,000 residents in our state.

Technology solutions are available to provide prescription drug container label information, directions, and instructions in alternate accessible formats, not just small print. For example, one of many available solutions is to use a readily produced RFID (radio frequency identification) tag, prepared at the pharmacy and affixed to any prescription bottle to communicate with a consumer's mobile phone with an RFID reader app or program. The information is transferred from the RFID tag to the RFID reader when the phone is held near the container to which the tag is affixed. Preparation of a tag is as easy for the pharmacy as printing a standard label.

Section 904 of the federal Food and Drug Administration Safety and Innovation Act, passed in 2012, authorized the U.S. Access Board to adopt "best practices" to make prescription drug container labels accessible to persons who are blind or visually impaired. The resulting "best

practices,” issued by the Access Board, recommend providing labels in alternate accessible formats and are generally supported by the pharmaceutical industry and consumers.

We're asking the legislature to pass this bill because regulation of prescription drug labels is largely a state, not a federal, responsibility. Use of alternate formats would enhance accessibility of prescription drug container labels for everyone, furthering our state's health, safety, and public interest goals. This is why National Federation of the Blind of Hawaii respectfully requests approval of SB608 S.D.1.

**SB-608-SD-1**

Submitted on: 2/20/2023 11:04:23 AM

Testimony for CPN on 2/22/2023 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Stan Young	Testifying for Hawaii State committee of Blind Vendors	Support	Written Testimony Only

Comments:

One pharmacy is already using accessible prescription readers, Apparently, the ost is negligle and probides a great service to its clients. We need to pass this bill to make it available to all who are blind or visually impaired. In addition, it would be a great service to the elderly, who are having difficulty reading their prescription bottles, and may prevent mistakes in taking the wrong medication at the wrong time. Its definitely a win win service for prescription clients.

**SB-608-SD-1**

Submitted on: 2/21/2023 7:59:06 AM

Testimony for CPN on 2/22/2023 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tabatha Mitchell	Testifying for National Organization of Parents of Blind Children; Hawaii rep	Support	Written Testimony Only

Comments:

Members of the committee,

I am a parent of a blind teenager on Oahu. She is 16 and reads & writes Braille. I also serve the parents & blind children across our islands through the National Organization of Parents of Blind Children, a volunteer organization.

The existing state law requires prescription drug containers to be labeled. Printed labels are irrelevant & quite frankly invisible to those that read Braille. How would you like it if YOUR medicine came with Braille labels?!? It would most likely be meaningless to you! The information on the label would be there, but it would be unavailable to you. The information would be there - printed in Braille; but, you would not be able to read it. Unless, you happen to know Braille or someone that reads Braille. Imagine having to take all of your prescriptions to someone that can read Braille and having to have THEM read your private health information to you. You'd have to remember it all; or be prepared to go back and have them read it to you over & over.

Yes, this is a ridiculous thought, yet this is exactly what everyone expects to happen for blind people. It's simply not ok. Our blind & Brint disabled children are taught daily how to use tools to be independent citizens if Hawaii. Yet, when they turn 16, although they know how to use the technology & already use it regularly, they have to forgo their right to health privacy by having to have someone read their pill bottle info to them. We must do better. And doing better is not hard to do; not us it a costly fix.

Technology exists today to remove this huge barrier for people that are blind or that are unable to read standard print. Our blind citizens need access to this technology to maintain the privacy of their health information. It is their basic right to privacy. Scanning technology is widely used and is readily available with a low dollar implementation cost. I think most of you on the committee have likely scanned a QR code to view your menus at a restaurant within the last couple of years.

Members of the pharmaceutical industry are aware that labels should be more accessible to all people. In 2012, federal law created a voluntary "best practices" standard. However, encouragement of voluntary efforts has had only limited success since regulation of prescription drug labeling is largely a state, not a federal responsibility.

Blind children across the islands of Hawaii use technology every day in schools to study math & read tests and do their homework. Technology solutions are readily available to provide prescription drug container label information, directions, and instructions in alternate accessible formats.

Passing SB 608 S.D.1. would result in the application of widely available technology tools to improve access to essential private health information for everyone. Please continue to support this very important bill that gives independence and privacy back to our blind children that are coming of age and managing their own healthcare.

**Testimony of the Board of Pharmacy**

**Before the  
Senate Committee on Commerce and Consumer Protection  
Wednesday, February 22, 2023  
9:35 a.m.  
Via Videoconference**

**On the following measure:  
S.B. 608, S.D.1, RELATING TO PRESCRIPTION DRUGS**

**WRITTEN TESTIMONY**

Chair Keohokalole and Members of the Committee:

My name is James Skizewski, and I am the Executive Officer of the Board of Pharmacy (Board). The Board appreciates the intent of this bill; however, provides its comments and concerns regarding specific provisions of this measure.

The purposes of this bill are to require: (1) pharmacies to provide accessible prescription drug label information to individuals who have difficulty seeing or reading standard printed prescription drug container labels and inform the public that prescription drug label information is available in alternate accessible formats for individuals who have difficulty seeing or reading prescription drug container labels; and (2) the Board to adopt certain rules by December 31, 2023.

The Board is concerned about the associated costs to pharmacies to obtain technology and implement procedures to facilitate prescription drug label information being made available in alternate accessible formats. Some larger retail pharmacies currently offer this service, but requiring all pharmacies, including independent and mid-sized family-owned businesses to ensure prescription drug label information is made available in alternate accessible formats, would pose an additional and unnecessary hardship on smaller businesses.

The Board would like to emphasize that prescription counseling is already readily available as required by the Omnibus Budget Reconciliation Act of 1990 (OBRA-90). OBRA-90 mandates pharmacists offer patient counseling related to descriptive information, intended use expectation, dosage schedule, side effects, proper storage, refill information, and action to be taken in the event of a missed dose. Given that



prescription drug label information is already made available in accessible formats through prescription counseling, the costs which will result from this bill seem unnecessary to mandate.

Finally, the Board has concerns about the feasibility of the timeline laid out in the measure. The Board is not currently familiar with the technology and processes readily available to pharmacies, and will need time to research and develop appropriate rules related to alternative accessible formats in relaying prescription information. If the Committee is inclined to move forward with this measure as proposed, the Board notes that moving forward with creating new administrative rules related to accessible prescription drug label information would be a significant undertaking, and thus requests a delayed implementation of at least two (2) years to ensure appropriate rules are made in accordance with this measure.

Thank you for the opportunity to testify on this bill.



**SanHi**

GOVERNMENT STRATEGIES

A LIMITED LIABILITY LAW PARTNERSHIP

DATE: February 21, 2023

TO: Senator Jarrett Keohokalole  
Chair, Senate Committee on Consumer Protection

FROM: Mihoko Ito / Tiffany Yajima

RE: **S.B. 608, S.D.1 – Relating to Prescription Drugs**  
**Hearing Date: Wednesday, February 22, 2023 at 9:35 a.m.**  
**Conference Room: 229**

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Dear Chair Keohokalole, Vice Chair Fukunaga, and members of the Committee on Consumer Protection:

We submit this testimony on behalf of Walgreen Co. (“Walgreens”). Walgreens operates stores at more than 9,000 locations in all 50 states, the District of Columbia, and Puerto Rico. In Hawaii, Walgreens has 17 stores on the islands of Oahu and Maui.

Walgreens submits **comments** regarding this measure, which requires pharmacies to provide accessible prescription drug label information to individuals who have difficulty seeing or reading prescription drug container labels and inform the public that prescription drug label information is available in alternate accessible formats for individuals who have difficulty seeing or reading prescription drug container labels.

Walgreens supports making prescription drug label information accessible for those who have difficulties seeing or reading prescription drug container labels. In Walgreens pharmacies, prescription drugs are offered with a “Talking Pill Reminder” device which helps patients with visual impairments. This device, which attaches to the bottom of prescription vials, allows for the recording of all pertinent information that is found on the prescription drug labels.

For these reasons, Walgreens supports the intent of this bill in its current form.

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

February 22, 2023

Testimony of Eleanor Macdonald  
Submitted to the Hawaii State Senate  
COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Honorable Senator Jarret Keohokalole, Chair  
Honorable Senator Carol Fukunaga, Vice Chair

Re: SB 608, SD1 RELATING TO PRESCRIPTION DRUGS

Dear Chair Keohokalole, Vice Chair Fukunaga and Members,

I would like to fervently support SB 608, SD1 Relating to Prescription Drugs.

I am retired now, but for many years I worked with rehabilitation agencies providing direct services to individuals who were deaf, hard of hearing and deaf-blind.

My husband of 44 years is a retired federal computer systems analyst with no useful sight or hearing. He uses braille and other tactile markings enabling him to keep up with daily news, email, chess tournaments and Sudoku puzzles.

But medications are the current challenge. My husband takes 16 assorted pills, capsules or tablets each day, and he needs to know which is which. He has been able to handle this by the unique feel of each bottle or the size/shape of the pill. But when the pharmacy changes the container because of a change in supplier or as a practical expediency - it is challenging to keep up. Taking/not taking the wrong medication can be very dangerous.

We were recently told that Longs Drugs/CVS could provide medications with braille labels so we requested this. A few hours later, we were told that their machine was broken so sorry no braille labels.

Explicit labeling of prescription drugs in alternative accessible format for individuals who have difficulty seeing or reading prescription container labels should be mandated. The Board of Pharmacy needs to adopt specific rules to require equal access of medication labels for health and safety reasons.

I strongly urge you to enact this legislation to preserve dignity and independence.

Mahalo in advance,

Eleanor Macdonald, M.Ed., CRC (ret.)



**SB-608-SD-1**

Submitted on: 2/20/2023 11:41:42 AM

Testimony for CPN on 2/22/2023 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ann Lemke	Individual	Support	Written Testimony Only

Comments:

Chair, Vice Chair, and members of the CPN committee,I am one of the estimated 60,000 residents of Hawaii who are blind or visually impaired. I support this proposed legislation, because I cannot read prescription labels as I receive them on the medications I take. Solutions do exist to address this accessibility issue, but when I inquire of my local pharmacy, I am told that they do not know how to produce or obtain labels I can read. My usual solution is to compare by touch my recently received medications to what I have on hand to determine whether they may be the same medication. This method is not foolproof.

Many people with vision loss have no idea that accessible solutions are even possible. Your support for this legislation will help us and the medical community who serve us.

I look forward to following the progress of this much-needed legislation.

Senator Joy A. San Buenaventura, Chair  
Senator Karl Rhoades, Chair  
FIN (Committee on Finance)

Nicole Endo  
87-1003 Anaha Street  
Waianae, Hawaii 96792  
(808) 673-3889

February 20, 2023

**Support for SB608**, Relating to Prescription Drugs, requiring pharmacies to provide accessible prescription drug label information to individuals who have difficulty seeing or reading standard printed prescription drug containers.

I am a 3rd-year Master's in Social Work (MSW) Graduate student at the University of Hawai'i at Mānoa Thompson School of Social Work and Public Health, specializing in the area of Gerontology. Also, I am a current practicum student with the Hawaii SHIP Program which helps Medicare-eligible individuals, their families and caregivers, and soon-to-be retirees make informed cost-effective healthcare decisions. Most importantly, I am a caregiver to my aging father who has vascular dementia, and also a consumer who may need the service of SB608 later in life.

In December of 2021, I was diagnosed with Systemic lupus erythematosus, SLE is an autoimmune disease in which the immune system attacks its own tissues, causing widespread inflammation and tissue damage in the affected organs (CDC, 2023). At this time there is no cure for SLE; however, there are medications that assist with easing this disease; one being Plaquenil. To survive a lifetime of widespread inflammation and tissue damage, I am required to take Plaquenil for the rest of my life, I am currently only 46 years old. According to several studies, **Plaquenil is believed to cause changes in the consumer's vision over time, including possible vision loss** (Chen et al, 2011).

SB608 will provide the necessary accessibility to my medication should my vision ever become nonexistent. **SB608 will call attention to patient-centered practice by taking the necessary steps to improve accessibility to those who have difficulty or limited seeing and reading capability.** Implementing SB608 could also create a

decline in medication errors among older adults, limited English proficiency consumers, and caretakers. SB608 could also increase consumer protection and improve the health, safety, and well-being of other consumers.

From a caretaker's point of view, I have witnessed the importance of **patient-centered practice** and the difference that small but impactful changes can make for older adults suffering from vision and reading barriers. **Providing alternate accessible formats for prescriptions would allow those with vision and reading impairments to still feel independent and empowered.**

There is a responsibility the Board of Pharmacy should hold to assist all populations, especially vulnerable populations with accessibility to their medication information, I believe SB608 will hold the BOP accountable.

Hence, **I strongly support SB608**, Relating to Prescription Drugs requiring pharmacies to provide accessible prescription drug label information to individuals who have difficulty seeing or reading standard printed prescription drug containers. I urge the committee to pass SB608. Thank you for this opportunity to testify.

Respectfully,

Nicole Endo

#### Reference:

Center for Disease Control and Prevention. (2023). *Systemic Lupus Erythematosus (SLE)*. CDC.

<https://www.cdc.gov/lupus/facts/detailed.html#sle>

Chen, J.J.; Kay, C.N.; Mahajan, V.B.; Tarantola, R.M. (2011). Hydroxychloroquine (Plaquenil) Toxicity

And Recommendations for Screening. Eye Rounds.Org. <https://www.eyerounds.org/cases/139-plaquenil-toxicity.pdf>

**SB-608-SD-1**

Submitted on: 2/20/2023 1:55:37 PM

Testimony for CPN on 2/22/2023 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Clifford Miyashiro	Testifying for Hoopono	Support	Written Testimony Only

Comments:

We're asking the legislature to pass this bill because regulation of prescription drug labels is largely a state, not a federal, responsibility. Use of alternate formats would enhance accessibility of prescription drug container labels for everyone, furthering our state's health, safety, and public interest goals. This is why National Federation of the Blind of Hawaii respectfully requests approval of SB608 S.D.1.



Brandon Young

2/20/2023

Committee on Commerce and Consumer Protection (CPN)  
Hawaii State Senate  
Thirty-second Legislature, regular session of 2023  
February 22, 2023, 9:35 AM, decision making on SB608 S.D.1

Good Morning Chair and other committee members,

My name is Brandon Young, and I am a member of the National Federation of the Blind of Hawaii. I am writing in support of bill SB 688 SD1. This bill is very important for the lives of the blind in Hawaii. I would urge your committee to pass this bill forward.

The purpose of this bill is to enable blind and visually impaired citizens to be able to read prescription bottles that they get from their pharmacies. Currently, most blind or visually impaired people have to get assistance from others to determine what is prescribed to them. This bill would allow the creation of accessible tags to be affixed to prescription bottles. This would allow blind and visually impaired citizens the ability to read the bottle through an application that they could download to their phone. This application would then read the instructions on the bottle to the person through speech output. This bill would help me and many other blind or visually impaired people here in Hawaii. I want to thank you and your committee for taking the time to consider our measure for decision making at this time. Again, I would suggest that you and your committee pass this bill forward.

**SB-608-SD-1**

Submitted on: 2/21/2023 5:42:38 AM

Testimony for CPN on 2/22/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Emerie Mitchell-Butler	Individual	Support	Written Testimony Only

Comments:

Testimony of Emerie Mitchell-Butler

Committee on Commerce and Consumer Protection (CPN)

Hawaii State Senate

Thirty-second Legislature, regular session of 2023

February 22, 2023, 9:35 AM, decision making on SB608 S.D.1

Good afternoon chair, vice chair, and members. I am Emerie Mitchell-Butler, a blind person living in Hawaii. I strongly support SB608 S.D.1.

I haven't had many prescriptions I can remember. However, what I do remember is the lack of information provided to me by the print label. I am blind, and therefore cannot read print at all.

As a child, my parents would help me take my medicine at the correct time and in the correct amount, as all parents do for their young children. Blind adults living on their own take medicine

too, and also need access to this critical medical information, but may not have someone to tell them about the label. They shouldn't need one.

The information on a prescription label is vital to taking the prescription, which is why it must be complete and accurate. But not everyone can read the standard printed label.

Fortunately, providing label information which can be accessed by folks who can't read the label

is fairly simple. One way is for the pharmacy to attach a radio frequency identification tag, RFID

tag for short, which stores the information. The customer can then use a mobile device or other device to access the information on the label.

This bill will insure everyone has the information necessary to take their prescriptions independently and safely. SB608 S.D.1, if passed, would only help people. Everyone has the potential

to lose their vision, and many Hawaii residents already can't see enough to access the information on their prescription labels. Please consider supporting this bill, so everyone can be healthy and safe.

Thank you for the opportunity to testify.

Emerie Mitchell-Butler

Testimony of Katie Keim

Committee on Commerce and Consumer Protection (CPN)

Hawaii State Senate

Thirty-second Legislature, regular session of 2023

February 22, 2023, 9:35 AM, decision making on SB608 S.D.1

Good morning chair, vice chair, and members. My name is Katie Keim, a member and leader in The National Federation of the Blind of Hawaii, in support of SB608 S.D.1, previously heard and approved by the Committee on Health and Human Services (HHS).

We give thanks to Senator San Buenaventura, chair of our Deaf and Blind Task Force for her support by bringing SB608 forward this legislation session.

SB608 S.D.1 is very personal to me and if passed, will help people like myself, a blind type 1 diabetic and local professional in Honolulu. Blindness came to me at the age of 36 as a result of long term, 56 years today, of juvenile diabetes. Identifying my increasing quantity of prescriptions during my 28 years of blindness has become an overwhelming issue to manage. It was fine when I had only insulin, yet added medications has come with time and age causing potential safety issues in my personal management of my medications. A simple accessible plan to identify expiration dates, daily dosage, milligrams of each dose, how many refills, and potential contradicting medication or foods of my regular let alone emergency medications would support my continuing to manage and monitor my own health independently and safely as I have for most of my life.

I stand in full support of the testimony submitted by the National Federation of the Blind of Hawai'i.

Mahalo for your serious consideration and vote to pass SB608 S.D.1 this session.

Testimony of Hoku Burrows

Committee on Commerce and Consumer Protection (CPN)

Hawaii State Senate

Thirty-second Legislature, regular session of 2023

February 22, 2023, 9:35 AM, decision making on SB608 S.D.1

Good morning chair, vice chair, and members. My name is Hoku Burrows, a proud member of the National Federation of the Blind of Hawaii, supporting SB608 S.D.1.

Mahalo nui loa to Senator San Buenaventura, chair of our Deaf and Blind Task Force for her bringing this bill forward this session.

I stand in support of the testimony submitted by the National Federation of the Blind of Hawai'i.

Mahalo nui loa for your support of SB608 S.D.1

Testimony of Virgil Stinnett

Committee on Commerce and Consumer Protection (CPN)

Hawaii State Senate

Thirty-second Legislature, regular session of 2023

February 22, 2023, 9:35 AM, decision making on SB608 S.D.1

Good morning chair, vice chair, and members. My name is Virgil Stinnett, President of The National Federation of the Blind of Hawaii, in support of SB608 S.D.1.

I give thanks to Senator San Buenaventura, chair of our Deaf and Blind Task Force for her support by bringing SB608 forward this legislation session.

If passed, SB608 S.D.1 will help people like myself, a blind businessman, identify my prescriptions. Easily enable me to access instructions about when and how much to take. For most of us, the older we get the more types of prescriptive medications we must take. If only using 1 medication, I might know what it is, but don't always know the milligrams or how often to take it. If I have an emergency medication, then it starts to compound the lack of accurate use of my medications safely. If passed, this bill will remove barriers, create timely access and reduce the cost of getting personal support used to see the labels.

I stand in full support of the testimony submitted by the National Federation of the Blind of Hawai'i.

Mahalo for your consideration and yes vote to pass SB608 S.D.1 this session.