THE SENATE
THIRTIETH LEGISLATURE, 2019
STATE OF HAWAII

S.B. NO. 30 S.D. 1 Proposed

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that the National Institute on Drug Abuse has estimated that eighteen million Americans misused prescription medications at least once in 2017. All too often, addiction begins at home, stemming from abused prescriptions or unused medications falling into the wrong hands. Unused medications in households, especially controlled substances, can further expose residents to potential harm due to mistaken ingestion and increase the risk of theft and assault. Requiring pharmacies to educate patients about proper disposal of unused or expired controlled substances at the time they are dispensed and make available to patients certain disposal options and information concerning those options, can help promote public health and safety.

Accordingly, the purpose of this Act is to require pharmacies, when dispensing controlled substances, to:

(1) Provide written notice to patients advising them of certain risks associated with not properly disposing of unwanted or expired drugs;

(2) Make available certain drug disposal options; and

(3) Provide written informational materials concerning available drug disposal options.

SECTION 2. Section 461-10.2, Hawaii Revised Statutes, is amended to read as follows:

"**[~~[~~]§461-10.2[~~]~~] Return for disposal of unused, remaining, or expired drugs; pharmacy [~~options.~~] requirements; written information.** (a) A pharmacy that dispenses prescription drugs, other than a long-term care pharmacy, when dispensing to an individual located in this State a prescription drug or medication which is classified as a controlled substance under federal law, and when dispensing any other prescription drug or medication as may be designated under chapter 329, shall:

(1) Provide the patient with written informational materials advising that when unused, unwanted, or expired drugs and medications are not properly, safely, and promptly disposed of:

(A) There is a risk that the drug or medication can be stolen, diverted, abused, misused, or accidentally ingested, which can pose a risk to the health and safety of the patient and other members of the patient's household;

(B) Children are particularly at risk of accidentally ingesting unused, unwanted, and expired medications that have not been properly, safely, and promptly disposed of;

(C) When drugs or medications are disposed of in the household trash or flushed down the drain, the drugs and medications can leak into the ecosystem, which can have a potentially adverse or harmful effect on the environment; and

(D) When drugs or medications are disposed of in the household trash without the drug or medication having been rendered deactivated, inaccessible, or otherwise unusable, the drug or medication may be stolen by individuals seeking to divert, abuse, or misuse the drug or medication; and

(2) Make available on site, for purchase, or at no cost to the patient, at least one consumer method for individuals to dispose of unwanted or expired prescription drugs, including but not limited to over the counter, at home, or site-of-use compositions or secured medication collection kiosks, boxes, or receptacles, subject to the following requirements:

(A) All at home or site-of-use drug disposal products shall alter the characteristics of the prescription drug through chemical, biological, or physical means so as to have a beneficial effect on the environment;

(B) Secured medication collection kiosks, boxes, or receptables shall comply with Title 21 Code of Federal Regulations section 1317.75 and be marked and identified by prominent signage;

(C) Any manufacturer of a non-toxic at home or site-of-use composition for consumer drug disposal shall provide a method that renders the active ingredients in the prescription medication, as defined in Title 21 Code of Federal Regulations

section 210.3(b)(7) or as defined in a successor regulation, unusable so that the active ingredients cannot be transformed to a physical or chemical condition or transformed to the state of a controlled substance or controlled substance analog, as per Title 21 Code of Federal Regulations section 1317.90, or a successor regulation; and

(D) The manufacturer of an at home or site-of-use composition or a secured medicine collection kiosk, box, or receptacle made available by a pharmacy pursuant to this paragraph shall represent to the pharmacy that none of the components or methods of disposal, individually or as a blend or as a solution, or the methods of treating or disposing of the medication at any facility, are toxic, and that the composition or medicine collection kiosk, box, or receptacle follows waste regulations outlined by the United States Environmental Protection Agency for municipal household waste disposal; and

(3) Provide the patient with written informational materials concerning how to properly, safely, and promptly dispose of unused, unwanted, or expired drugs and medications, which may include but shall not be limited to information concerning drug disposal options pursuant to paragraph (2) of this subsection and any other available medication take back programs in the State. The individual dispensing the prescription drug, or an appropriate designee, shall answer any questions the patient may have upon receiving the written informational materials pursuant to this paragraph.

(b) The requirements of subsection (a) of this section shall apply regardless of whether the prescription is an initial prescription or a renewal or refill of an existing prescription, and regardless of whether the patient is a new or returning customer at the pharmacy.

(c) Any time a pharmacy that dispenses prescription drugs, other than a long-term care pharmacy, sells or dispenses a sterile hypodermic syringe or needle, regardless of whether the sterile hypodermic syringe or needle is sold or dispensed

pursuant to a prescription, the pharmacy shall provide the patient with the written educational materials required under section 325-21 regarding the safe disposal of used syringes at sites where syringes are sold. The individual selling or dispensing the sterile hypodermic syringe or needle, or an appropriate designee, shall answer any questions the patient may have upon receiving the written informational materials pursuant to this subsection.

[~~(a)~~] (d) 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)~~] (e) No prescription drug returned to the pharmacy for disposal shall be redispensed or returned for cash or credit.

[~~(e)~~] (f) Any pharmacy accepting for disposal any prescription drugs [~~for disposal~~] other than those identified in subsection (a) 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)~~] (g) 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. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2020.

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Report Title:
Pharmacies; Prescription Drugs; Controlled Substances; Requirements for Proper Disposal; Written Information

Description:
Requires pharmacies to provide written notice to patients advising them of certain risks associated with not properly disposing of unwanted or expired drugs, make available certain drug disposal options, and provide written informational materials concerning available drug disposal options. (Proposed SD1)

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