



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • TTY (808) 586-8162 • Fax (808) 586-8129

March 1, 2023

TESTIMONY TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

House Bill 218 HD1 – Relating to Prescription Drugs

The Disability and Communication Access Board (DCAB) supports House Bill 218 HD1 – Relating to Prescription Drugs.

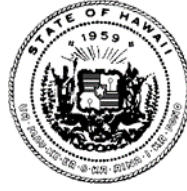
People with disabilities who cannot read print prescription drug container labels may inadvertently take the wrong medication, the wrong amount, at the wrong time, and under the wrong instructions, thereby endangering the health and safety of themselves and family members for whom they are caregivers. This bill should reduce these concerns by requiring 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.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

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 27, 2023

TO: The Honorable Representative Mark M. Nakashima, Chair
House Committee on Consumer Protection & Commerce

FROM: Cathy Betts, Director

SUBJECT: [HB 218 HD1](#) – RELATING TO PRESCRIPTION DRUGS.

Hearing: March 1, 2023, 2:00 p.m.
Conference Room 329 & Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of the measure, provides comments, and defers to pharmacists regarding implementation.

PURPOSE: This bill 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. Requires the board of pharmacy to adopt certain rules by December 31, 2025. Effective 6/30/3000. (HD1) The HD1 amended the measure by:

- (1) Requiring the Board of Pharmacy to adopt rules by December 31, 2025, rather than December 31, 2023;
- (2) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 Hawaii residents. 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 the Board of Pharmacy

**Before the
House Committee on Consumer Protection and Commerce
Wednesday, March 1, 2023
2:00 p.m.
Conference Room 329 and Videoconference**

**On the following measure:
H.B. 218, H.D. 1, RELATING TO PRESCRIPTION DRUGS**

Chair Nakashima 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, but has concerns and offers comments on this bill.

The purpose of this bill is to require pharmacies to (1) provide accessible prescription drug label information to individuals who have difficulty seeing or reading prescription drug container labels; (2) 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 (3) require the Board of Pharmacy to adopt certain rules by December 31, 2025.

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 for a service that is already provided through prescription counseling.

The Board would like to emphasize that prescription counseling is 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.

Thank you for the opportunity to testify on this bill.

THE KŪPUNA CAUCUS



February 28, 2023

To: The Honorable Mark M. Nakashima, Chair
The Honorable Jackson D. Sayama, Vice Chair
Committee on Consumer Protection and Commerce

Re: **HB218 – Relating to Prescription Drugs**

Hearing: March 1, 2023, 2:00 pm, Room 329 & Videoconference

Position: **Support**

Aloha Chair Mark M. Nakashima, Vice Chair Rep. Jackson D. Sayama,, and Committee Members:

The Kūpuna Caucus of the Democratic Party of Hawai'i has more than 2,000 enrolled members who are politically active and greatly interested in all issues affecting seniors in the State of Hawai'i and nationally.

The Kūpuna Caucus **supports** HB218. This bill would improve the labeling of prescription drugs so that people who are deaf, with poor eyesight or totally blind could read them properly. This would be accomplished by offering alternate accessible formats. The board of pharmacy would be required to adopt certain rules by December 31, 2025.

Thank you very much for the opportunity to testify on this bill.

Barbara Penn
on behalf of the
Kūpuna Caucus of the Democratic Party of Hawai'i
bpenn200@outlook.com
808-652-9478

Testimony of James Gashel
Submitted for National Federation of the Blind of Hawaii
Committee on Consumer Protection and Commerce (CPC)
Hawaii State House of Representatives
Thirty-second Legislature, regular session of 2023
March 1, 2023, 2:00 PM, hearing on HB218 H.D.1

Good afternoon chair, vice chair, and members. I am James Gashel, representing National Federation of the Blind of Hawaii, testifying in support of HB218 H.D.1. Much mahalo to representative Gregg Takayama and the 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. 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 U.S. Access Board "best practices," recommend providing labels in alternate accessible formats and are generally supported by the pharmaceutical industry and consumers.

Regulation of what prescription drug labels should say is largely a state, not a federal, responsibility. That's why we're asking the legislature to pass this bill. In lieu of the H.D.1 amendment, giving the Board of Pharmacy two extra years to make the rules, we much prefer December 31, 2023, going back to the original bill as introduced. With all due respect, we really don't think implementation is so complicated that thirty months or more would be required from the signing date.

Besides, once implemented, the result will be better accessibility and safety for everyone.
Mahalo for your consideration of HB218 this year.

HB-218-HD-1

Submitted on: 2/27/2023 3:12:12 PM

Testimony for CPC on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stan Young	Hawaii State committee of Blind Vendors	Support	Written Testimony Only

Comments:

There's already one pharmacy providing the technology to make it accessible to the labels on pill bottles. Apparently, its negligible in cost to provide this service to those who are disabled in reading the labels on prescription medicine. Not only is it convient, it may be a life or death safety issue in reading the labels on prescription medicine; allowing print disabled persons to read, understand, and take the right medication at the right time. We ned to have this service and safety issue available through out the state, as the elderly population grows.

HB-218-HD-1

Submitted on: 2/27/2023 4:44:42 PM

Testimony for CPC on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Clifford Miyashiro	Hoopono	Support	Written Testimony Only

Comments:

Good afternoon chair, vice chair, and members. I am James Gashel, representing National Federation of the Blind of Hawaii, testifying in support of HB218 H.D.1. Much mahalo to representative Gregg Takayama and the 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.

thank you for supporting HB218

Email: cylonone@aol.com

Testimony of Donald Sakamoto
Member, National Federation of the Blind of Hawaii
Committee on Consumer Protection and Commerce (CPC)
Hawaii State House of Representatives
Thirty-second Legislature, regular session of 2023
March 1, 2023, 2:00 PM, hearing on HB218 H.D.1

Good afternoon chair, vice chair, and members. I am Donald Sakamoto, member of the National Federation of the Blind of Hawaii in full support of bill HB218 H.D.1.

This bill will definitely help me and other individuals identify their prescriptions and access instructions about when and how much to take. The main primarily individual group is who have difficulty reading printed prescription drug labels due to vision loss or for any other reasons. The bill explains that label information can be displayed in alternate accessible formats.

The current state law requires that dispensing pharmacies to label each prescription drug container with specific information, by identifying the drug and providing information necessary for health and safety. However, a lot of individuals may often be unable to see or read labels due to disability or age, including individuals with low vision or blindness.

Today we have the 21st century Technology with solutions to provide prescription drug container label information, directions, as well as instructions in alternate accessible formats, and not just small print. For example, one type of device is to use a readily produced RFID (radio frequency identification) tag that can be prepared at the pharmacy and affixed to any prescription bottle to communicate with a consumer's mobile phone with an affordable RFID reader app or program. The information is transferred from the RFID tag to the RFID reader when the individual holds their smart cell phone near the container to which the tag is affixed.

By the use of alternate formats, it definitely would enhance accessibility of prescription drug container labels for everyone, furthering our prescription drugs independently instead of relying others with sight for assistance.

The time is now to prepare to have this type of technology available to all blind and visually impaired persons to access their prescription drugs with ease. Famous "by failing to prepare, you are preparing to fail" by Benjamin Franklin.

Mahalo and I truly urge you all to "Go For Broke" and please support to move this bill forward.

HB-218-HD-1

Submitted on: 2/28/2023 1:21:24 PM

Testimony for CPC on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tabatha Mitchell	National Organization of Parents of Blind Children - Hawaii rep	Support	In Person

Comments:

Aloha Committee members,

I am a parent of a blind teenager on Oahu. She is 16 and reads & writes Braille. I serve the parents and kids in the state of Hawaii in a voluntary capacity as the Hawaii representative of the National Organization of Parents of Blind Children. I am asking you to pass HB218 as is. This bill will improve accessibility of prescription drug labels for those who do not read print and it is not a heavy lift.

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 would be there - printed in Braille; but, you would not be able to read it. Unless, you happen to know Braille.

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 limited success. This is unacceptable. We all learned how to scan QR codes for menus during Covid

My 16 yr old daughter and kids throughout the islands use technology every day in school to study math & read tests and to do their homework. Technology solutions are readily available to provide prescription drug container label information, directions, and instructions in alternate accessible formats.

Passing HB218 would result in the application of widely available technology tools to improve access to essential information for everyone. It will not take millions of dollars of funding. It should not take years and years.

Blind people have a right to medical privacy. No one should have to depend on someone else to read their prescriptions to them. It's 2023. Please pass H.B.218 today.

HB-218-HD-1

Submitted on: 3/1/2023 8:20:36 AM

Testimony for CPC on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patrick Uyemoto	Times Pharmacy	Comments	Written Testimony Only

Comments:

Testimony Comments on HB218

Dear Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

Times Pharmacy agrees with the intent of the bill to empower and educate patients on how to properly take their prescription medications but we have questions and reservations about the technology requirements and subsequent costs for implementation. Although some of the national corporate retail pharmacies provide a prescription reader device, Times Pharmacy is a local independent pharmacy chain and our resources are much more limited.

Community pharmacists have held the reputation of being one of the most accessible healthcare providers in the nation and our pharmacists at Times Pharmacy have always been available for patient education and counseling, whether in person or over the phone. We recognize that this is an important issue and would like to meet and work with community stakeholders to learn more about the challenges this patient population is experiencing, learn more about the technology options that are currently available, and to work towards a solution that is a win-win for all parties involved.

Thank you for the opportunity to testify,

Patrick Uyemoto, Pharm.D, MBA.

Director of Pharmacy

Times Pharmacy

HB-218-HD-1

Submitted on: 2/27/2023 4:06:19 PM

Testimony for CPC on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ann Lemke	Individual	Support	Written Testimony Only

Comments:

Hello Committee chair, vice chair, and members, I wish to express my full support for this proposed legislation. As a blind retired person who lives alone, I can assure you that I must take great care with my medications, since I cannot read the labels or instructions. This legislation is way overdue. I fully support the testimony submitted by the National Federation of the Blind of Hawaii.

Brandon Young

2/27/2023

Committee on Consumer Protection and Commerce (CPC)

Hawaii State House of Representatives

Thirty-second Legislature, regular session of 2023

March 1, 2023, 2:00 PM, hearing on HB218 H.D.1

Dear Chair and other committee members,

My name is Brandon Young and I am a member of the National Federation of the Blind of Hawaii Honolulu Chapter. I am submitting testimony in support of this bill. I think that it is a very important bill and would help the blind and visually impaired community here in Hawaii. I would urge that your committee pass this bill forward.

The language of this bill would provide for prescription bottles to be accessible for the blind and visually impaired community in Hawaii. Currently, these bottles are not accessible to us. We have to have someone from the pharmacy read to us what the instructions are or have one of our family members help us. We would like to be able to read these bottles independently. This bill would mandate that accessible tags be attached to the prescription bottles so that we could read the instructions with the help of a smart phone. I want to again thank you for your time in scheduling our bill for this hearing. I wish that it would pass so that blind people can take their medicine in an independent manner. I hope you have a wonderful day.

Testimony of Virgil Stinnett

Committee on Consumer Protection and Commerce (CPC)

Hawaii State House of Representatives

Thirty-second Legislature, regular session of 2023

March 1, 2023, 2:00 PM, hearing on HB218 H.D.1

Good afternoon chair, vice chair, and members. My name is Virgil Stinnett, President of The National Federation of the Blind of Hawaii, in support of HB218 H.D.1.

If passed, HB218 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 HB218 H.D.1 this session.

Testimony of Hoku Burrows
Committee on Consumer Protection and Commerce (CPC)
Hawaii State House of Representatives
Thirty-second Legislature, regular session of 2023
March 1, 2023, 2:00 PM, hearing on HB218 H.D.1

Good afternoon chair, vice chair, and members. My name is Hoku Burrows, a local blind kapuna and member of the National Federation of the Blind of Hawaii, testifying in support of HB218 H.D.1.

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

Mahalo nui loa for seriously considering my testimony in favor of passing this bill.

HB-218-HD-1

Submitted on: 2/28/2023 9:08:37 AM

Testimony for CPC on 3/1/2023 2:00:00 PM

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

Comments:

Testimony of Emerie Mitchell-Butler
Committee on Consumer Protection and Commerce (CPC)
Hawaii State House of Representatives
Thirty-second Legislature, regular session of 2023
March 1, 2023, 2:00 PM, hearing on HB218 H.D.1

Good afternoon chair, vice chair, and members. I am Emerie Mitchell-Butler, a blind person living in Hawaii. I strongly support HB218.

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. HB218, 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 Consumer Protection and Commerce (CPC)

Hawaii State House of Representatives

Thirty-second Legislature, regular session of 2023

March 1, 2023, 2:00 PM, hearing on HB218 H.D.1

Good afternoon chair, vice chair, and members. I am Katie Keim, a member and leader in The National Federation of the Blind of Hawaii, in support of HB218 H.D.1.

HB218 is very personal to me and if passed, this bill 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 HB218 H.D.1 this session.

HB-218-HD-1

Submitted on: 2/28/2023 12:16:10 PM

Testimony for CPC on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kerri Okamura	Individual	Comments	Written Testimony Only

Comments:

Requiring pharmacies to provide accessible prescription drug labeling at the expense of the pharmacy is of concern as it will create an additional hardship on pharmacies, especially the small, independently owned, community pharmacies.

February 28, 2023

Chair Nakashima and Members of the Committee:

The purposes of this bill are to require pharmacies to: (1) provide accessible prescription drug label information to individuals who have difficulty seeing or reading prescription drug container labels; (2) 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 (3) require the Board to adopt certain rules by December 31, 2025.

I appreciate the intent of the bill but would like to offer some comments on this measure for consideration.

The bill states that the pharmacy will provide a prescription drug reader at no cost to the individual. Will insurers pay for this device? Are there certain minimum standards for the reader? There are associated costs to pharmacies to obtain technology and implement procedures to facilitate prescription drug label information being made available in alternate accessible formats. These costs will obviously be the responsibility of individual pharmacies. Has anyone determined the cost burden to these businesses?

Some larger retail pharmacies currently offer this service. CVS advertises "Spoken RX" as a free service in select locations, but requiring all pharmacies, including independent and mid-sized family-owned businesses to ensure prescription drug label information is made available in this accessible format, would pose an additional and unnecessary hardship on smaller businesses.

Pharmacists already provide verbal patient counseling for all patients, and perhaps another form of accommodation can be considered. Larger font size is one accommodation other industries (food service, travel, retail) and states have adopted in the past. Often times the label does not include all of the necessary information for the patient. Some doctor's instructions state "Take as directed per MD written instructions or as the package is labeled". This sort of talking label will not help the patient, whereas a consultation, a two-way conversation would.

Thank you for the opportunity to testify on this bill.

Sincerely,

Alanna Isobe, Rph