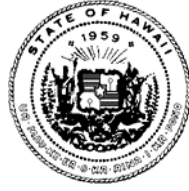


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



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 13, 2023

TO: The Honorable Representative Della Au Belatti, Chair
House Committee on Health & Homelessness

FROM: Cathy Betts, Director

SUBJECT: **HB 218 – RELATING TO PRESCRIPTION DRUGS.**

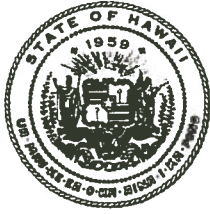
Hearing: Wednesday, February 15, 2023, 8:30 a.m.
Conference Room 329 & Videoconferencing, State Capitol

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

PURPOSE: The purpose of the bill is to require pharmacies to provide accessible prescription drug label information to individuals who have difficulty seeing or reading standard printed labels on prescription drug containers; and to make sustained, periodic, and reasonable efforts to inform the public that prescription drug label information is available in alternate accessible formats for individuals who have difficulty seeing or reading standard printed labels on prescription drug containers.

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.



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

February 15, 2023

TESTIMONY TO THE HOUSE COMMITTEE ON HEALTH & HOMELESSNESS

House Bill 218 – Relating to Prescription Drugs

The Disability and Communication Access Board (DCAB) supports House Bill 218 – 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

Testimony of the Board of Pharmacy

**Before the
House Committee on Health and Homelessness
Wednesday, February 15, 2023
8:30 a.m.
Conference Room 329 and Videoconference**

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

Chair Belatti 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 measure.

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, 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.

HB-218

Submitted on: 2/13/2023 10:36:08 PM

Testimony for HLT on 2/15/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tabatha Mitchell	National Organization of Parents of Blind Kids	Support	In Person

Comments:

Aloha Committee Members,

I am writing to ask you to support HB218.

Members of the pharmaceutical industry are aware that labels should be more accessible, and supported a 2012 federal law creating a voluntary "best practices" standard. However, pharmacies on Oahu have very little awareness of this regulation and even less training of their employees.

My blind daughters sister knows this first hand because she has trained with the pharmacy program in our local high schools on island. She fully understands blindness, low vision & accessibility, and she stated clearly that we need to change whatever is currently in place in Hawaii because the current training or laws are not working.

Technology solutions are available to provide prescription drug container label information, directions, and instructions in alternate accessible formats. Greater use of this technology would result with passage of HB218 and improve access to essential information for the blind and low vision patients on Oahu that deserve equal access to their medicines.



DATE: February 14, 2023

TO: Representative Della Au Belatti
Chair, House Committee on Health and Homelessness

FROM: Mihoko Ito / Tiffany Yajima

RE: **H.B. 218 – Relating to Prescription Drugs**
Hearing Date: Wednesday, February 15, 2023 at 8:30 a.m.
Conference Room: 329

Dear Chair Belatti, Vice Chair Takenouchi, and Members of the Committee on Health and Homelessness:

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 testimony on this measure.

HB-218

Submitted on: 2/12/2023 12:04:36 PM

Testimony for HLT on 2/15/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
james gashel	national federation of the blind of hawaii	Support	In Person

Comments:

Testimony of James Gashel

Submitted for National Federation of the Blind of Hawaii

Committee on Health and Homelessness (HLT)

Hawaii State House of Representatives

Thirty-second Legislature, regular session of 2023

February 15, 2023, 8:30 AM, hearing on HB218

Good morning chair, vice chair, and members. I am James Gashel, representing National Federation of the Blind of Hawaii, fully supporting HB218. 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. 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. Mahalo for your consideration of HB218 this year.

HB-218

Submitted on: 2/13/2023 8:47:41 AM

Testimony for HLT on 2/15/2023 8:30:00 AM

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

Comments:

Good morning chair, vice chair, and members. I am Clifford Miyashieol, representing National Federation of the Blind of Hawaii, fully supporting HB218. 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.

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. Mahalo for your consideration of HB218 this year.

Email: cylonone@aol.com

Testimony of Donald Sakamoto Member, National Federation of the Blind of Hawaii
Committee on Health and Homelessness (HLT) Hawaii State House of Representatives Thirty-
second Legislature, regular session of 2023 February 15, 2023, 8:30 AM, hearing on HB218.

Good morning chair, vice chair, and members. I am Donald Sakamoto, a member of the National Federation of the Blind of Hawaii, in full support of HB218.

This bill will definitely help me and other people identify their prescriptions and access instructions about when and how much to take. The main primarily group is people 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 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 into law.

Brandon Young

2/13/2023

Committee on Health and Homelessness (HLT)
Hawaii State House of Representatives
Thirty-second Legislature, regular session of 2023
February 15, 2023, 8:30 AM, hearing on HB218

Dear Chair Greg Takayama and committee members,

My name is Brandon Young, and I am a member of the National Federation of the Blind of Hawaii Honolulu Chapter, and I am submitting testimony in support of HB 218. This is a very important bill for the blind and visually impaired here in Hawaii. I would hope that your committee would pass this bill.

The importance of this bill is to give blind and visually impaired people in Hawaii the opportunity to read what is on their prescription labels. Currently, a blind or visually impaired person has to get someone to tell them what type of medicine they are taking and how often they should take it. This bill would create a method for blind people to read their prescription bottles independently. If this bill was passed, then it would put into place the mechanism to attach barcode type labels to the bottles. A blind person could then use their smart phone to identify the RFID tag that has been attached to their prescription bottle. The blind person could then use the Voice over software to read what the information is from the bottle. This would allow blind people to take their medicine in an independent manner. Thank you for your time in hearing our bill.

I want to again thank you and your committee to listening to our organization and our concerns with inaccessible prescription bottles. This bill creates a method for making prescription bottles for the blind and visually impaired accessible for the future. Thank you and have a wonderful day.

HB-218

Submitted on: 2/14/2023 7:36:18 AM

Testimony for HLT on 2/15/2023 8:30:00 AM

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

Comments:

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 Health and Homelessness (HLT)

Hawaii State House of Representatives

Thirty-second Legislature, regular session of 2023

February 15, 2023, 8:30 AM, hearing on HB218

Good morning 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.

HB218 is very personal to me and if passed, HB218 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 this session.

Testimony of Virgil Stinnett

Committee on Health and Homelessness (HLT)
Hawaii State House of Representatives
Thirty-second Legislature, regular session of 2023
February 15, 2023, 8:30 AM, hearing on HB218

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 HB218.

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 this session.