



Written Testimony Regarding House Bill 231

**To:
Ohio House Health Committee
September 13, 2017**

Respectfully submitted by:

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Re: Controlling Substances – House Bill 231

Dear Chairman Huffman and members of the House Health Committee:

On behalf of Walgreen Co. (Walgreens), I thank you for the opportunity to submit written testimony in opposition to House Bill 231 to the Committee as it examines the issue of requiring pharmacists to offer to dispense controlled substances in lockable or tamper-evident containers.

Walgreens, the nation's largest drugstore chain, operates over 8,100 drugstores in 50 states, the District of Columbia and Puerto Rico. In the state of Ohio, Walgreens operates 270 stores and employs more than 6,900 employees.

As written, HB 231 would require a pharmacist who dispenses a controlled substance to do the following:

- 1.) Offer to dispense the substance in a lockable or tamper-evident container; and
- 2.) Provide the patient with an educational statement regarding the potential for abuse and diversion of controlled substances.

While Walgreens appreciates the intent and effort to mitigate addictive narcotic and opiate abuse, there are myriad unintended consequences that arise from such broadly written policy. It is important to note that other solutions are readily available in the marketplace to curb abuse/misuse/diversion and the containers being deliberated are an unproven deterrent to abuse, while also being easily manipulated and not tamper proof. For example, these containers are already available for purchase by patients and customers via online retailers and in-store purchase. Less expensive alternatives to these containers, such as lockable boxes and safes, are proven to be more effective in being tamper-resistant. Patients and those concerned with the potential for abuse/misuse/diversion already have the ability to make these purchases at their own discretion.

Notwithstanding the availability of alternative solutions to this mandate, other concerns Walgreens has with this policy include the ease of accessing these tamper-resistant and tamper-evident bottles. A simple Internet search provides numerous videos on how to access the contents of these vials within seconds, whether through smashing the bottle, cutting into it, or twisting with enough force to snap the lid. There is no evidence to show the efficacy of these containers in deterring abuse/misuse/diversion.

Furthermore, the proposal is an unfunded mandate that would prove to be costly to pharmacies of all sizes and impact the provision of other critical healthcare services to the pharmacy's patients. These costs come in the form of purchasing additional dispensing vials to have on-hand if a patient would prefer to utilize this container and severely impact the pharmacy workflow to fill prescriptions and provide other healthcare services to its patients. Maryland's Department of Legislative Services performed a fiscal note on a similar bill before the state legislature noting, "pharmacies will be required to purchase and provide such vials at an estimated cost of \$3.00 to \$5.00 per vial." Other estimates have shown costs can reach up to \$18.00 per vial.

At Walgreens, we believe in providing the best care to our patients and improving overall public health. Walgreens recommends that lawmakers oppose this legislation as the financial burden and impact on patient care severely outweighs the lack of evidence-based deterrence efficacy behind these technologies. This bill will expend resources unnecessarily through the refilling of prescriptions should the customer choose to use these alternative bottles and requiring pharmacies have bottles available for any customer wanting to use them and severely impede a pharmacist's ability to provide other critical healthcare services (e.g. immunizations, adherence interventions, health testing). **We urge this Committee and the Ohio General Assembly to oppose HB 231 as written.**



Again, thank you for the opportunity to submit this testimony. Should you have any questions or require additional information, please do not hesitate to contact me.

Respectfully submitted,

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