

WAG_TestimonyMD_HB14_Mar232021.pdf

Uploaded by: Lowe, Bryan

Position: FAV



Good afternoon, thank you for the opportunity to testify today on HB 14. My name is Bryan Lowe, I am the Regional Director of State and Local Government Relations for Walgreens.

Walgreens is supportive of HB 14, which would change state law to allow pharmacists to use an expiration date on prescription labels to be equal to the manufacturer's expiration date. Many prescription medications are dispensed in the original manufacturer packaging, such as inhalers, oral contraceptives, high-dollar specialty medications, and these medications have expiration dates printed on the package from the manufacturer. Existing state law requires pharmacists to print on the label that the medication expires no more than 1 year from the date of dispensing; even though, the manufacturer's expiration date on the package can be 1 or more years after the required 1 year expiration date. This can lead to patients throwing out and replacing medication prior to the expiration date of the manufacturer. The benefit to patients is that they do not have to replace costly medications, prior to the expiration date set by the manufacturer. Is it right to ask patients to discard prescription medications that still have shelf life past the state required one-year expiration date?

Walgreens received a number of consumer complaints in the early to mid-2000's regarding prescription labels with expiration dates conflicting with the expiration date listed on the manufacturer's original packaging. At that time, Walgreens changed its policy to use the manufacturer's expiration date on prescriptions dispensed in the manufacturer's original packaging. Although this change went into effect over 15 years ago, Walgreens had not been cited for any violations, until 2018. Since 2018, the Maryland Board of Pharmacy has cited Walgreens over 50 times.

Walgreens is requesting your support of HB 14 to help limit healthcare costs by allowing pharmacists to utilize the manufacturers expiration date – which will help limit patients from discarding viable product and unnecessarily refilling medications.

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Position: FAV



**MARYLAND ASSOCIATION
OF CHAIN DRUG STORES**

171 CONDUIT STREET, ANNAPOLIS, MD 21401 | 410-269-1440

HB14 Pharmacists – Prescription Drug and Device Labels – Expiration Dates
Education, Health, and Environmental Affairs Committee
March 23, 2021

Position: Favorable

Background: HB14 would allow pharmacists to label certain prescription drugs and devices with the expiration date provided by the manufacturer.

Comments: The Maryland Association of Chain Drug Stores has requested and supports HB14, which would allow pharmacists to label prescription drugs and devices that are dispensed in the original manufacturer packaging with the expiration date provided by the manufacturer. Current Maryland law requires pharmacists to relabel prescriptions dispensed in the original packaging with a maximum one-year expiration date, regardless of the shelf life indicated by the manufacturer. This practice can cause confusion for consumers and result in usable medicines and devices being thrown away or needlessly replaced.

The current legal requirements for expiration dates have resulted in consumer protection lawsuits against pharmacies for ‘deceptive practices’, and fines levied against pharmacies that printed labels with manufacturer expiration dates in response to those legal proceedings. Allowing pharmacists to label prescription drugs with the manufacturer’s expiration date will clear up confusion for consumers and allow pharmacies to operate without fear of legal action or having to walk a fine line between consumer protection and State regulation.

Thank you for your consideration, and we urge a favorable report on HB14.

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Uploaded by: Bennardi, Maryland Department of Health /Office of Governmen

Position: INFO



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Acting Secretary

March 23, 2021

The Honorable Paul G. Pinsky
Chair, Senate Education, Health, and Environmental Affairs Committee
2 West Miller Senate Office Building
Annapolis, MD 21401-1991

RE: HB0014 – Pharmacist – Prescription Drug and Devices Labels – Expiration Date – Letter of Information with Amendment

Dear Chair Pinsky and Committee Members:

The Maryland Department of Health (MDH) submits this letter of information with amendments for HB0014 – Pharmacist Drug and Devices Labels – Expiration Date.

Our proposed technical amendment changes the bill language from “manufacturer’s original packaging” to “manufacturer’s sealed original packaging.” As it is not an acceptable practice for a pharmacist to dispense a prescription in an open manufacturer’s container, we suggest incorporating the word “sealed” for clarity, in order to minimize the possibility of bad behavior. I hope this information is useful. If you would like to discuss this further, please do not hesitate to contact me at webster.ye@maryland.gov / (410) 260-3190 or Heather Shek, Director of Governmental Affairs at heather.shek@maryland.gov and at the same phone number.

Sincerely,

Webster Ye
Assistant Secretary, Health Policy

AMENDMENT TO HOUSE BILL 14

On Page 2, Line 10, add the word sealed to the phrase “manufacturer’s original packaging:”

10 MANUFACTURER’S SEALED ORIGINAL PACKAGING, AN EXPIRATION DATE OF THE DRUGS OR