



## State Senator Sheila Harsdorf

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Date: October 17, 2017  
To: Senate Committee on Health and Human Services  
Fr: Senator Sheila Harsdorf  
Re: Senate Bill 361 - hospice staff transferring controlled substances of deceased persons to drug disposal programs

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Dear Chair Vukmir and Committee members:

Thank you for holding a public hearing on Senate Bill 361.

As you know, the Legislature has made significant progress in passing a series of bills addressing various aspects of prevention and treatment of drug addictions. This includes limiting access to prescription drugs which when misused can lead to an opioid addiction. In fact, in Wisconsin more than two-thirds of those who have abused prescription painkillers got them illegally through someone they knew or when browsing through a friend's medicine cabinet.

A medical examiner in my district has raised concerns regarding the proper disposal of unused pain medication for those in hospice. Unused pain medications not properly disposed of may be available for misuse or abuse by family members, caregivers or others.

Senate Bill 361 would limit the availability of unused pain medications by authorizing hospice staff to, with written consent from a personal representative, trustee, or estate beneficiary, take any controlled substances in possession of a deceased hospice patient to a drug disposal service.

By ensuring that hospice staff properly dispose of these drugs when a patient passes away, we will help prevent these drugs from falling into the wrong hands where they may be used to start or feed an addiction. Additionally, if a family does not know how to properly dispose of these controlled substances they often end up going down the drain, which can contaminate our water supply.

Again, thank you for holding a public hearing on SB 361. I urge your support and prompt action.



# JOAN BALLWEG

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WISCONSIN STATE REPRESENTATIVE

41<sup>ST</sup> ASSEMBLY DISTRICT

Senate Bill 361: Hospices Transferring Controlled Substances to Drug Disposal Programs  
Testimony of State Representative Joan Ballweg  
Senate Committee on Health and Human Services  
October 17<sup>th</sup>, 2017

Thank you, Chair Vukmir, and members of the Committee on Health and Human Services for holding this public hearing on SB 361. This bill authorizes hospice staff to, with the written consent of a personal representative, trustee, or estate beneficiary, to take any controlled substances from the home of a hospice patient to a drug disposal program.

Wisconsin has been battling a heroin and opioid epidemic unlike anything the state has ever seen. We have responded with the HOPE Agenda, the Attorney General has been a leader at tackling this problem, and local governments have taken many steps to address this. In Wisconsin, more than two-thirds of people who have abused prescription painkillers got them illegally through someone they know, or even when browsing through a friend's medicine cabinet. SB 361 comes at the request of a county medical examiner and provides another common sense solution to properly dispose of controlled substances.

Federal Drug Enforcement Administration regulations prohibit hospice staff from disposing of controlled substances on behalf of the patients unless there is a state law that explicitly allows this to occur. Currently, the controlled substances are treated as the decedent's property. After the patient passes on, if the family does not know how to properly dispose of the controlled substances, there is the possibility that they can end up in the wrong hands and contribute to the ongoing drug problem or they can be flushed down the drain and contaminate the water supply.

There are safeguards built into this process, and I believe SB 361 provides a necessary measure of certainty that controlled substances are properly disposed of to take away one more thing for a grieving family to worry about.

The Pharmacy Society of Wisconsin, Badger State Sheriffs' Association, Wisconsin Sheriffs and Deputy Sheriffs Association, Wisconsin Public Health Association, Wisconsin Association of Local Health Departments and Boards, and the Municipal Environmental Group-Wastewater Division, registered in support this bill.

Thank you for your consideration of SB 361. I am happy to answer any questions that you may have.

# THE HOPE WISCONSIN

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October 16, 2017

To: Senator Leah Vukmir, Chair  
Senate Health and Human Services

From: Melanie G. Ramey,  
CEO  
The HOPE of Wisconsin

Re: SB 361

As the state organization of hospice and palliative care programs we are in support of SB361. Hospice staffs are often asked to dispose of left over medications by the families of patients for whom they have been caring. Often the family members are elderly and are not conversant with where and how they should dispose of left over meds. An important component of this bill is that it is optional for the hospice. There are instances that because of time constraints, distance and other issues the hospice staff would be unable to comply with a request and hospices will have policies covering any such instances.

As you know diversion is a constant concern and because of that reality we believe that it is essential that drugs, especially opioids, be disposed of promptly. It is not our practice to leave many controlled substance drugs in the home. We make every effort to minimize the possibility of drugs being available for diversion. But the fact is that in some situations only opioid drugs will control the excruciating pain present with some conditions. It is most important that they continue to be available to use with hospice patients.

**TO:** Senator Leah Vukmir, Chairman  
Senate Committee on Health and Human Services

Members  
Senate Committee on Health and Human Services

**FROM:** Peg Breuer, RPh

**DATE:** October 17, 2017

**SUBJECT:** Senate Bill 361

Thank you for the opportunity to provide testimony in favor of Senate Bill 361. My name is Peg Breuer and I am a pharmacist at Neuhauser Pharmacy in Madison.

Senate Bill 361 would allow employees at a hospice facility to properly dispose of a deceased patient's controlled substances through a drug disposal program. Currently, hospice facility staff may only dispose of non-controlled prescription drugs. As such, many times when a patient passes away, their controlled substance medications are given to a loved one who is tasked with the disposal.

The death of a loved one is a stressful and busy time in life, and family members who are given controlled substances often do not know where to dispose of these medications. With all of the stress and tasks that must be completed after a loved one passes away, many family members choose to either flush the drugs, which can contaminate the water supply, or decide to dispose of the drugs at a later time. Unfortunately, having controlled substances around the house, even with the intent of disposing of them at a later time can lead to diversion, misuse, and abuse.

Some family members come into their local pharmacy, expecting to be able to dispose of the medications there. However, because of federal laws and regulations relating to the disposal of controlled substances, many pharmacies, including where I work, do not accept controlled substances for disposal. We direct the grieving family members to another location where they can legally drop off the controlled substances. Sending the family members to other locations only exacerbates the confusion of disposing of these medications at an already stressful time.

By allowing a personal representative of a deceased patient to authorize the hospice staff to dispose of these controlled substances in the same manner non-controlled drugs are disposed, this provision will save grieving family members from the confusing situation of dealing with leftover meds, while also mitigating the risk of diverted medications.

Thank you again for the opportunity to provide testimony.



**Municipal Environmental Group -  
Wastewater Division (MEG)**

**TO:** Senator Leah Vukmir, Chairwoman, Senate Committee on Health and Human Services  
Members, Senate Committee on Health and Human Services

**FROM:** Paul G. Kent and Liz Stephens  
Municipal Environmental Group – Wastewater Division

**DATE:** October 17, 2017

**RE:** Support for Senate Bill 361

The Municipal Environmental Group – Wastewater Division (“MEG”) is a statewide association representing more than 100 municipal wastewater treatment facilities. For 25 years, MEG has been active in the development of policies that promote safe and effective wastewater management activities.

MEG supports Senate Bill 361 (“SB 361”) and its companion, Assembly Bill 444 (“AB 444”), and appreciates the efforts that its authors, Sen. Shelia Harsdorf and Rep. Joan Ballweg, are seeking to promote to ensure the safety of Wisconsin’s water resources. SB 361 is an important step in reducing the amount of pharmaceuticals in our water resources and, resultantly, MEG encourages the adoption of this legislation.

Wastewater treatment plants are currently unable to remove pharmaceuticals from wastewater during the treatment process because they are not designed to do so. As a result, reducing sources of pharmaceuticals to the water system is currently the best way to confront this challenge. Encouraging the safe and proper disposal of pharmaceuticals, as SB 361 does, will begin to address this growing problem and will assist in reducing the amount of pharmaceuticals in our water resources.

In light of the foregoing, MEG respectfully requests that the Committee support SB 361. In addition, MEG remains willing to work with this Committee and the Legislature to address the issue of pharmaceuticals in our water systems.