
HOUSE BILL 2228

State of Washington

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By Representatives Jenkins, Appleton, Reykdal, Stanford, Ryu, Maxwell, Pollet, Ormsby, Cody, Upthegrove, Roberts, Kagi, Wilcox, and Ladenburg

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1 AN ACT Relating to medication access for the uninsured; adding a
2 new chapter to Title 69 RCW; and providing an effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Department" means the department of health.

7 (2) "Medical facility" means a physician's office, hospital, health
8 clinic, nursing home, boarding home, or adult family home.

9 (3) "Pharmacist" means a person licensed by the board of pharmacy
10 under chapter 18.64 RCW to practice pharmacy.

11 (4) "Pharmacy" means a facility licensed by the board of pharmacy
12 under chapter 18.64 RCW in which the practice of pharmacy is conducted.

13 (5) "Practitioner" has the same meaning as in RCW 69.41.010.

14 (6) "Prescription drugs" has the same meaning as "legend drugs" as
15 defined in RCW 69.41.010. The term includes cancer drugs and
16 antirejection drugs. The term does not include controlled substances.

17 (7) "Supplies" means the supplies necessary to administer
18 prescription drugs that are donated under the prescription drug
19 redistribution program.

1 NEW SECTION. **Sec. 2.** Any practitioner or medical facility may
2 donate prescription drugs and supplies to a pharmacy for redistribution
3 without compensation or the expectation of compensation to individuals
4 who meet the prioritization criteria established in section 4 of this
5 act. Donations of prescription drugs and supplies may be made on the
6 premises of a pharmacy that elects to participate in the provisions of
7 this chapter. A pharmacy that receives prescription drugs or supplies
8 may distribute the prescription drugs or supplies to another medical
9 facility or pharmacy for use pursuant to the program.

10 NEW SECTION. **Sec. 3.** To be eligible for the immunity in section
11 6 of this act, a pharmacy must:

12 (1) Meet all requirements in section 5 of this act and any
13 applicable rules related to the return or exchange of prescription
14 drugs or supplies adopted by the board of pharmacy;

15 (2) Establish forms and procedures to reasonably identify and
16 prioritize patients seeking to receive donated prescription drugs and
17 supplies at no cost under the program;

18 (3) Maintain records of any prescription drugs and supplies donated
19 to the pharmacy and subsequently dispensed by the pharmacy; and

20 (4) Identify itself to the public as participating in this chapter
21 and make its prioritization policy available to individuals.

22 NEW SECTION. **Sec. 4.** Pharmacies and medical facilities that elect
23 to dispense donated prescription drugs and supplies under this chapter
24 shall give priority to individuals who are either at or below two
25 hundred percent of the federal poverty level or who are uninsured. If
26 a low-income or uninsured individual has not been identified as in need
27 of available prescription drugs and supplies, those prescription drugs
28 and supplies may be dispensed to other individuals expressing need.

29 NEW SECTION. **Sec. 5.** (1) Prescription drugs or supplies may be
30 accepted and dispensed under this chapter if all of the following
31 conditions are met:

32 (a) The prescription drug is in:

33 (i) Its original sealed and tamper evident packaging; or

34 (ii) An opened package if it contains single unit doses that remain
35 intact;

1 (b) The prescription drug bears an expiration date that is more
2 than six months after the date the prescription drug was donated;

3 (c) The prescription drug or supplies are inspected before the
4 prescription drug or supplies are dispensed by a pharmacist employed by
5 or under contract with the pharmacy, and the pharmacist determines that
6 the prescription drug or supplies are not adulterated or misbranded;

7 (d) The prescription drug or supplies are prescribed by a
8 practitioner for use by an eligible individual and are dispensed by a
9 pharmacist; and

10 (e) Any other safety precautions established by the department have
11 been satisfied.

12 (2)(a) If a person who donates prescription drugs or supplies under
13 this chapter to a medical facility or pharmacy receives a notice from
14 a pharmacy that prescription drugs or supplies have been recalled, the
15 person shall notify the medical facility or pharmacy of the recall.

16 (b) If a pharmacy receives a recall notification from a person who
17 donated prescription drugs or supplies under this chapter, the medical
18 facility or pharmacy shall perform a uniform destruction of all of the
19 recalled prescription drugs or supplies in the medical facility or
20 pharmacy.

21 (3) Prescription drugs and supplies donated under this chapter may
22 not be resold.

23 (4) Prescription drugs and supplies dispensed under this chapter
24 shall not be eligible for reimbursement under the medical assistance
25 program.

26 NEW SECTION. **Sec. 6.** (1) A drug manufacturer acting in good faith
27 shall not be subject to criminal prosecution or liable for civil
28 damages for injury, death, or loss to a person or property for matters
29 related to the donation, acceptance, or dispensing of a prescription
30 drug manufactured by the drug manufacturer that is donated under this
31 chapter, including liability for failure to transfer or communicate
32 product or consumer information or the expiration date of the donated
33 prescription drugs or supplies, other than acts or omissions
34 constituting gross negligence or willful or wanton misconduct.

35 (2) Any person, other than a drug manufacturer subject to
36 subsection (1) of this section, who without compensation or the
37 expectation of compensation and acting in good faith, shall not be

1 subject to criminal prosecution or professional discipline, or liable
2 for civil damages resulting from any act or omission related to the
3 donation, acceptance, distribution, or dispensing of a donated
4 prescription drug under this chapter, other than acts or omissions
5 constituting gross negligence or willful or wanton misconduct.

6 NEW SECTION. **Sec. 7.** Access to prescription drugs and supplies
7 under this chapter is subject to availability. Nothing in this chapter
8 establishes an entitlement to receive prescription drugs and supplies
9 through the program.

10 NEW SECTION. **Sec. 8.** Nothing in this chapter restricts the use of
11 samples by a practitioner during the course of the practitioner's
12 duties at a medical facility or pharmacy.

13 NEW SECTION. **Sec. 9.** Nothing in this chapter authorizes the
14 resale of prescription drugs by any person.

15 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute
16 a new chapter in Title 69 RCW.

17 NEW SECTION. **Sec. 11.** This act takes effect July 1, 2013.

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