
SENATE BILL 6049

State of Washington

62nd Legislature

2012 Regular Session

By Senators Kastama and Shin

Read first time 01/09/12. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to requiring the department of health to establish
2 a cancer drug repository program; and adding a new chapter to Title 70
3 RCW.

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

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

7 (1) "Cancer drug" means a prescription drug used to treat:

8 (a) Cancer or its side effects; or

9 (b) The side effects of a prescription drug used to treat cancer or
10 its side effects.

11 (2) "Department" means the department of health.

12 (3) "Health care facility" means a hospital, clinic, nursing home,
13 laboratory, office, pharmacy, or similar place where a health care
14 provider provides health care to patients.

15 (4) "Hospital" has the meaning provided in RCW 70.41.020.

16 (5) "Participating facility" means a health care facility that
17 voluntarily participates in the cancer drug repository program and
18 accepts donated cancer drugs.

1 (6) "Pharmacy" means every place properly licensed by the board of
2 pharmacy where the practice of pharmacy is conducted.

3 (7) "Prescribing practitioner" means a health care practitioner
4 authorized to prescribe cancer drugs.

5 (8) "Program" means the cancer drug repository program.

6 (9) "Single-unit dose packaging" means a single-unit container for
7 articles intended for administration as a single dose, direct from the
8 container.

9 (10) "Tamper-evident unit dose packaging" means a container within
10 which a drug is sealed so that the contents cannot be opened without
11 obvious destruction of the seal.

12 NEW SECTION. **Sec. 2.** (1) The department must establish a cancer
13 drug repository program for accepting donated cancer drugs and
14 dispensing such drugs to authorized Washington residents.
15 Participation in the program is voluntary.

16 (2) The department, in consultation with the board of pharmacy,
17 must adopt rules to carry out this chapter, including:

18 (a) Eligibility criteria and other standards and procedures for
19 participating facilities that accept and distribute or dispense donated
20 cancer drugs;

21 (b) Necessary forms for administration of the program, including
22 forms for use by persons or entities that donate, accept, distribute,
23 or dispense cancer drugs under the program;

24 (c) The maximum handling fee that may be charged by participating
25 facilities for distributing or dispensing cancer drugs under the
26 program;

27 (d) Categories of cancer drugs that the program will and will not
28 accept for dispensing; and

29 (e) Maintenance and distribution of the participating facility
30 registry under section 7 of this act.

31 NEW SECTION. **Sec. 3.** Any person or entity including, but not
32 limited to, a cancer drug manufacturer or health care facility, may
33 donate cancer drugs to the program.

34 NEW SECTION. **Sec. 4.** (1) A cancer drug may only be donated to,
35 accepted by, or dispensed under the program if it is in unopened,

1 sealed, and tamper-evident unit dose packaging. A cancer drug packaged
2 in single-unit dose packaging may be donated, accepted, or dispensed if
3 the outside packaging is opened but the single-unit-dose packaging is
4 unopened.

5 (2) A cancer drug may not be donated to, accepted by, or dispensed
6 under the program if it:

- 7 (a) Is expired; or
- 8 (b) Is adulterated or misbranded.

9 NEW SECTION. **Sec. 5.** (1) Participating facilities must comply
10 with state and federal laws on storage, distribution, and dispensing of
11 cancer drugs received under the program and must inspect all such drugs
12 before dispensing to determine if they are adulterated or misbranded.
13 Cancer drugs received under the program may only be dispensed pursuant
14 to a prescription issued by a prescribing practitioner or may be
15 distributed to another participating facility for dispensing.

16 (2) Participating facilities may charge a handling fee, in
17 accordance with department rule, for distributing or dispensing cancer
18 drugs under the program. Cancer drugs donated under the program may
19 not be resold.

20 NEW SECTION. **Sec. 6.** (1) Except as provided in subsection (2) of
21 this section, any person or entity, including a cancer drug
22 manufacturer, which exercises reasonable care in donating, accepting,
23 distributing, or dispensing cancer drugs under this chapter and rules
24 adopted under this chapter is immune from civil or criminal liability
25 or professional disciplinary action of any kind for any injury, death,
26 or loss to person or property relating to such activities.

27 (2) The donation of a cancer drug by a cancer drug manufacturer
28 does not absolve the manufacturer of any criminal or civil liability
29 that would have existed but for the donation, nor shall such donation
30 increase the liability of such cancer drug manufacturer that would have
31 existed but for the donation.

32 NEW SECTION. **Sec. 7.** The department must establish and maintain
33 a participating facility registry for the program. The participating
34 facility registry must include the participating facility's name,
35 address, and telephone number and must identify whether the

1 participating facility is a hospital, clinic, nursing home, laboratory,
2 office, pharmacy, or other similar facility. The participating
3 facility registry must be available to any person or entity wishing to
4 donate cancer drugs to the program.

5 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
6 a new chapter in Title 70 RCW.

--- END ---