

SHB 1382 - S COMM AMD  
By Committee on Health Care

NOT CONSIDERED

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

6 (2) "Drug manufacturer" means a facility licensed by the board of  
7 pharmacy under chapter 18.64 RCW that engages in the manufacture of  
8 drugs or devices.

9 (3) "Drug wholesaler" means a facility licensed by the board of  
10 pharmacy under chapter 18.64 RCW that buys drugs or devices for resale  
11 and distribution to corporations, individuals, or entities other than  
12 consumers.

13 (4) "Medical facility" means a hospital, pharmacy, nursing home,  
14 boarding home, adult family home, or medical clinic where the  
15 prescription drugs are under the control of a practitioner.

16 (5) "Person" means an individual, corporation, business trust,  
17 estate, trust, partnership, association, joint venture, government,  
18 governmental subdivision or agency, or any other legal or commercial  
19 entity.

20 (6) "Pharmacist" means a person licensed by the board of pharmacy  
21 under chapter 18.64 RCW to practice pharmacy.

22 (7) "Pharmacy" means a facility licensed by the board of pharmacy  
23 under chapter 18.64 RCW in which the practice of pharmacy is conducted.

24 (8) "Practitioner" has the same meaning as in RCW 69.41.010.

25 (9) "Prescribing practitioner" means a person authorized to issue  
26 orders or prescriptions for legend drugs as listed in RCW 69.41.030.

27 (10) "Prescription drugs" has the same meaning as "legend drugs" as  
28 defined in RCW 69.41.010. The term includes cancer drugs and  
29 antirejection drugs. The term does not include controlled substances  
30 or prescription drugs that can only be dispensed to a patient

1 registered with the manufacturer of that drug in accordance with  
2 requirements established by the United States food and drug  
3 administration.

4 (11) "Supplies" means the supplies necessary to administer  
5 prescription drugs that are donated under the prescription drug  
6 redistribution program.

7 NEW SECTION. **Sec. 2.** Any practitioner, pharmacist, medical  
8 facility, drug manufacturer, or drug wholesaler may donate prescription  
9 drugs and supplies to a pharmacy for redistribution without  
10 compensation or the expectation of compensation to individuals who meet  
11 the prioritization criteria established in section 3 of this act.  
12 Donations of prescription drugs and supplies may be made on the  
13 premises of a pharmacy that elects to participate in the provisions of  
14 this chapter. A pharmacy that receives prescription drugs or supplies  
15 may distribute the prescription drugs or supplies to another pharmacy,  
16 pharmacist, or prescribing practitioner for use pursuant to the  
17 program.

18 NEW SECTION. **Sec. 3.** Pharmacies, pharmacists, and prescribing  
19 practitioners that elect to dispense donated prescription drugs and  
20 supplies under this chapter shall give priority to individuals who are  
21 uninsured and at or below two hundred percent of the federal poverty  
22 level. If an uninsured and low-income individual has not been  
23 identified as in need of available prescription drugs and supplies,  
24 those prescription drugs and supplies may be dispensed to other  
25 individuals expressing need.

26 NEW SECTION. **Sec. 4.** (1) Prescription drugs or supplies may be  
27 accepted and dispensed under this chapter if all of the following  
28 conditions are met:

- 29 (a) The prescription drug is in:
- 30 (i) Its original sealed and tamper evident packaging; or
- 31 (ii) An opened package if it contains single unit doses that remain  
32 intact;
- 33 (b) The prescription drug bears an expiration date that is more  
34 than six months after the date the prescription drug was donated;

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

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

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

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

15 (b) If a pharmacy that receives and distributes donated  
16 prescription drugs to another pharmacy, pharmacist, or prescribing  
17 practitioner under this chapter receives notice that the donated  
18 prescription drugs or supplies have been recalled, the pharmacy shall  
19 notify the other pharmacy, pharmacist, or prescribing practitioner of  
20 the recall.

21 (c) If a person collecting or distributing donated prescription  
22 drugs or supplies under this chapter receives a recall notice from the  
23 drug manufacturer or the federal food and drug administration for  
24 donated prescription drugs or supplies, the person shall immediately  
25 remove all recalled medications from stock and comply with the  
26 instructions in the recall notice.

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

29 (4) Prescription drugs and supplies dispensed under this chapter  
30 shall not be eligible for reimbursement under the medical assistance  
31 program.

32 NEW SECTION. **Sec. 5.** (1) The department must adopt rules  
33 establishing forms and procedures to: Reasonably verify eligibility  
34 and prioritize patients seeking to receive donated prescription drugs  
35 and supplies; and inform a person receiving prescription drugs donated  
36 under this program that the prescription drugs have been donated for  
37 the purposes of redistribution. A patient's eligibility may be

1 determined by a form signed by the patient certifying that the patient  
2 is uninsured and at or below two hundred percent of the federal poverty  
3 level.

4 (2) The department may establish any other rules necessary to  
5 implement this chapter.

6 NEW SECTION. **Sec. 6.** (1) Except as provided in subsection (2) of  
7 this section:

8 (a) A practitioner, pharmacist, medical facility, drug  
9 manufacturer, or drug wholesaler who donates, accepts, or dispenses  
10 prescription drugs or supplies for redistribution under this chapter is  
11 not subject to criminal prosecution, professional discipline, or civil  
12 liability for damages for injury, death, or loss to a person or  
13 property for matters relating to the donation, acceptance, or  
14 dispensing of the prescription drug.

15 (b) For drug manufacturers, the immunity provided under (a) of this  
16 subsection includes liability for failure to transfer or communicate  
17 product or consumer information or the expiration date of the donated  
18 prescription drugs or supplies.

19 (2) The protections provided under subsection (1) of this section  
20 do not apply if the practitioner, pharmacist, medical facility, drug  
21 manufacturer, or drug wholesaler commits acts or omissions of this  
22 chapter that constitute gross negligence. For a person distributing  
23 donated prescription drugs under this chapter, gross negligence is not  
24 shown if a person:

25 (a) Meets all requirements of section 4 of this act and any  
26 applicable rules relating to the return or exchange of prescription  
27 drugs or supplies adopted by the board of pharmacy;

28 (b) Maintains records of any prescription drugs and supplies  
29 donated to the pharmacy and subsequently dispensed by the pharmacy; and

30 (c) Identifies himself or herself to the public as participating in  
31 the prescription drug redistribution program created by this chapter.

32 NEW SECTION. **Sec. 7.** Access to prescription drugs and supplies  
33 under this chapter is subject to availability. Nothing in this chapter  
34 establishes an entitlement to receive prescription drugs and supplies  
35 through the program.

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

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

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

8        NEW SECTION.    **Sec. 11.** This act takes effect July 1, 2014."

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9        On page 1, line 1 of the title, after "uninsured;" strike the  
10 remainder of the title and insert "adding a new chapter to Title 69  
11 RCW; and providing an effective date."

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