
Health Care & Wellness Committee

HB 1382

Brief Description: Allowing for redistribution of medications under certain conditions.

Sponsors: Representatives Jenkins, Harris, Cody, Tharinger, Green, Morrell, Ryu, Riccelli, Bergquist, Reykdal, Lytton, Fitzgibbon, Van De Wege, Maxwell, Pollet and Santos.

Brief Summary of Bill

- Establishes a program for health practitioners, pharmacists, medical facilities, and drug manufacturers and wholesalers to donate, accept, and redistribute prescription drugs and supplies without compensation.
- Provides immunity to participants in the prescription drug redistribution program.

Hearing Date: 2/5/13

Staff: Chris Blake (786-7392).

Background:

Except in limited situations, the Board of Pharmacy prohibits pharmacies from accepting drugs and supplies for return or exchange after they have been taken off of the premises from where they were sold, distributed, or dispensed. Exceptions apply to drugs that have been dispensed in unit dose forms or in a sealed ampoule that allows the pharmacist to determine if it has been tampered with and that it meets standards for storage conditions, including temperature, light sensitivity, and chemical and physical stability. In addition, hospitals and long-term care facilities may accept drugs for return and reuse under similar circumstances. Controlled substances may not be returned to a pharmacy except to be destroyed.

Summary of Bill:

Practitioners, pharmacists, medical facilities, drug manufacturers, or drug wholesalers may donate prescription drugs and supplies to a pharmacy for redistribution to individuals at no cost. The drugs may either be distributed by the receiving pharmacy or sent to another pharmacy,

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pharmacist, or prescribing practitioner for distribution under the program. Priority for the redistributed drugs and supplies must be given to those who are uninsured and at or below 200 percent of the federal poverty level. Other individuals expressing need may receive the drugs or supplies if an uninsured, low-income individual has not been identified. Drugs and supplies received under the program may not be resold.

Prescription drugs and supplies may only be accepted and dispensed if they are inspected by the accepting pharmacist who determines that they have not been adulterated or misbranded. Prescription drugs must be more than six months from expiration at the date of donation and be in their original sealed and tamper-evident packaging or an unopened single dose package. If a donor has received a recall notice regarding donated prescription drugs or supplies, he or she must notify the pharmacy which must immediately remove the recalled medications.

Immunity from civil or criminal liability or professional discipline is established for those who donate, accept, or distribute prescription drugs as long as they exercise reasonable care and did not act with gross negligence or willful or wanton misconduct. Drug manufacturers may receive immunity from civil or criminal liability relating to donation, acceptance, or dispensing activities of drugs that they manufactured, including liability for the failure to communicate product information or the expiration date of the donated prescription drug.

The Department of Health must adopt rules establishing forms and procedures to verify the eligibility and priority of patients and other rules necessary to implement the program.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2013.