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**SENATE BILL 6526**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators Cleveland, Hasegawa, Keiser, Van De Wege, and Wilson, C.

Read first time 01/21/20. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to the reuse and donation of unexpired  
2 prescription drugs; and amending RCW 18.64.005 and 69.70.050.

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

4 **Sec. 1.** RCW 18.64.005 and 2013 c 19 s 5 are each amended to read  
5 as follows:

6 The commission shall:

7 (1) Regulate the practice of pharmacy and enforce all laws placed  
8 under its jurisdiction;

9 (2) Prepare or determine the nature of, and supervise the grading  
10 of, examinations for applicants for pharmacists' licenses;

11 (3) Establish the qualifications for licensure of pharmacists or  
12 pharmacy interns;

13 (4) Conduct hearings for the revocation or suspension of  
14 licenses, permits, registrations, certificates, or any other  
15 authority to practice granted by the commission, which hearings may  
16 also be conducted by an administrative law judge appointed under  
17 chapter 34.12 RCW;

18 (5) Issue subpoenas and administer oaths in connection with any  
19 hearing, or disciplinary proceeding held under this chapter or any  
20 other chapter assigned to the commission;

1 (6) Assist the regularly constituted enforcement agencies of this  
2 state in enforcing all laws pertaining to drugs, controlled  
3 substances, and the practice of pharmacy, or any other laws or rules  
4 under its jurisdiction;

5 (7) Promulgate rules for the dispensing, distribution,  
6 wholesaling, and manufacturing of drugs and devices and the practice  
7 of pharmacy for the protection and promotion of the public health,  
8 safety, and welfare. Violation of any such rules shall constitute  
9 grounds for refusal, suspension, or revocation of licenses or any  
10 other authority to practice issued by the commission;

11 (8) Adopt rules establishing and governing continuing education  
12 requirements for pharmacists and other licensees applying for renewal  
13 of licenses under this chapter;

14 (9) Be immune, collectively and individually, from suit in any  
15 action, civil or criminal, based upon any disciplinary proceedings or  
16 other official acts performed as members of the commission. Such  
17 immunity shall apply to employees of the department when acting in  
18 the course of disciplinary proceedings;

19 (10) Suggest strategies for preventing, reducing, and eliminating  
20 drug misuse, diversion, and abuse, including professional and public  
21 education, and treatment of persons misusing and abusing drugs;

22 (11) Conduct or encourage educational programs to be conducted to  
23 prevent the misuse, diversion, and abuse of drugs for health care  
24 practitioners and licensed or certified health care facilities;

25 (12) Monitor trends of drug misuse, diversion, and abuse and make  
26 periodic reports to disciplinary boards of licensed health care  
27 practitioners and education, treatment, and appropriate law  
28 enforcement agencies regarding these trends;

29 (13) Enter into written agreements with all other state and  
30 federal agencies with any responsibility for controlling drug misuse,  
31 diversion, or abuse and with health maintenance organizations, health  
32 care service contractors, and health care providers to assist and  
33 promote coordination of agencies responsible for ensuring compliance  
34 with controlled substances laws and to monitor observance of these  
35 laws and cooperation between these agencies. The department of social  
36 and health services, the department of labor and industries, and any  
37 other state agency including licensure disciplinary boards, shall  
38 refer all apparent instances of over-prescribing by practitioners and  
39 all apparent instances of legend drug overuse to the department. The

1 department shall also encourage such referral by health maintenance  
2 organizations, health service contractors, and health care providers;

3 (14) Promulgate rules allowing for the department of corrections  
4 pharmacy to accept returns of unit dose packages or full or partial  
5 multiple dose medication cards from the facilities it serves and  
6 reuse the unexpired medication.

7 **Sec. 2.** RCW 69.70.050 and 2016 c 43 s 4 are each amended to read  
8 as follows:

9 (1) Prescription drugs or supplies may be accepted and dispensed  
10 under this chapter if all of the following conditions are met:

11 (a) The prescription drug is in:

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

13 (ii) An opened package if it contains single unit doses that  
14 remain intact; or

15 (iii) An opened bulk container or multiple dose medication card  
16 and was donated from another licensed pharmacy;

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

19 (c) The prescription drug or supplies are inspected before the  
20 prescription drug or supplies are dispensed by a pharmacist employed  
21 by or under contract with the pharmacy, and the pharmacist determines  
22 that the prescription drug or supplies are not adulterated or  
23 misbranded;

24 (d) The prescription drug or supplies are prescribed by a  
25 practitioner for use by an eligible individual and are dispensed by a  
26 pharmacist; and

27 (e) Any other safety precautions established by the department  
28 have been satisfied.

29 (2) (a) If a person who donates prescription drugs or supplies to  
30 a pharmacy under this chapter receives a notice that the donated  
31 prescription drugs or supplies have been recalled, the person shall  
32 notify the pharmacy of the recall.

33 (b) If a pharmacy that receives and distributes donated  
34 prescription drugs to another pharmacy, pharmacist, or prescribing  
35 practitioner under this chapter receives notice that the donated  
36 prescription drugs or supplies have been recalled, the pharmacy shall  
37 notify the other pharmacy, pharmacist, or prescribing practitioner of  
38 the recall.

1 (c) If a person collecting or distributing donated prescription  
2 drugs or supplies under this chapter receives a recall notice from  
3 the drug manufacturer or the federal food and drug administration for  
4 donated prescription drugs or supplies, the person shall immediately  
5 remove all recalled medications from stock and comply with the  
6 instructions in the recall notice.

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

9 (4) Prescription drugs and supplies dispensed under this chapter  
10 shall not be eligible for reimbursement of the prescription drug or  
11 any related dispensing fees by any public or private health care  
12 payer.

13 (5) A prescription drug that can only be dispensed to a patient  
14 registered with the manufacturer of that drug, in accordance with the  
15 requirements established by the federal food and drug administration,  
16 may not be distributed under the program, unless the patient  
17 receiving the prescription drug is registered with the manufacturer  
18 at the time the drug is dispensed and the amount dispensed does not  
19 exceed the duration of the registration period.

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