

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	10 - 0 - 0
Yeas:	Bruun, Cannon, Dembrow, Garrett, Harker, Kennemer, Kotek, Maurer, Thompson, Greenlick
Nays:	0
Exc.:	0
Prepared By:	Roxie Cuellar, Administrator
Meeting Dates:	2/16, 4/10, 4/20

WHAT THE MEASURE DOES: Creates Charitable Prescription Drug Program within State Board of Pharmacy for purpose of distributing donated prescription drugs to needy individuals. Drugs must be in original, sealed packaging that displays lot number and expiration date. Drugs cannot be accepted if expiration date is less than nine-months from donation date, if there is any evidence of adulteration or misbranding, or if drugs belong to certain categories of controlled substances. Pharmacist will use professional judgment, based upon a visual inspection, to verify compliance. All personal information must be removed from labels of donated drugs. Drugs must be kept in a secure location used exclusively for program. Program must require recipient of donated drugs to sign form attesting to various stipulations.

ISSUES DISCUSSED:

- Current waste of unused drugs
- Benefit to needy individuals
- Need for program safeguards
- Immunity from liability

EFFECT OF COMMITTEE AMENDMENT: Deletes the sustentative parts of the original bill. Creates the Charitable Prescription Drug Program within the State Board of Pharmacy, for the purpose of distributing prescription drugs to needy individuals. Participation is voluntary. The program may accept prescription drugs in original, sealed packaging that displays the lot number and expiration date of the drug and sealed, single-unit doses received in open packages. Drugs cannot be accepted if the expiration date is less than nine-months from the donation date, if there is any evidence of adulteration or misbranding, or if the drugs belong to certain categories of controlled substances. Individuals, as well as health care facilities and medical providers, may donate drugs to the program by signing a donor form. The pharmacist will use professional judgment, based upon a visual inspection, to verify compliance and properly dispose of all drugs that do not comply. The program will maintain separate confidential files for individuals receiving the donated drugs. All personal information must be removed from the labels of donated drugs. Donated drugs must be kept in a secure location used exclusively for the program. The program must require a recipient of the donated drugs to sign a form attesting that the drugs distributed to the recipient was donated to the program, that a visual inspection was performed by a pharmacist to verify that the drug has not expired, been adulterated or misbranded, and is in its original, sealed packaging, that a pharmacist has determined the drug is safe for distribution based upon the accuracy of the donor's form and the visual inspection by the pharmacist, and that participants in the program are immune from liability if the program participant accepts or distributes the donated prescription drugs in good faith.

BACKGROUND: The majority of states have created prescription drug repositories for the purpose to distributing unused prescription drugs to persons of economic need. Some states require that the drugs must have been in the control of a health care facility or health care professional. The patients or estates of the patients, as the owners of their drugs, have to give permission in some states for the drugs to be donated to the repository. States generally prohibit the donation of controlled substances to repositories. Typically, donated drugs must be in the original, sealed packages or single-unit dose packages must be unopened. Most states allow the repository site to charge a nominal handling fee to the patients who are the recipients of the donated prescriptions.

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This summary has not been adopted or officially endorsed by action of the committee.