

**Enrolled**  
**House Bill 2740**

Sponsored by Representative GELSER

CHAPTER .....

AN ACT

Relating to the Charitable Prescription Drug Program; amending ORS 689.772.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 689.772 is amended to read:

689.772. (1) There is created in the State Board of Pharmacy the Charitable Prescription Drug Program. The purpose of the program is to distribute donated prescription drugs to needy or uninsured individuals. Participation in the program is voluntary.

(2) The program may accept and distribute:

(a) Prescription drugs received in original, sealed, tamper-evident packaging that displays the lot number and expiration date of the drug; and

(b) Sealed single unit dose packages received in opened packages containing multiple single unit doses.

(3)(a) **Except as provided in paragraph (b) of this subsection,** the program may not distribute donated prescription drugs that:

[(a)] (A) Fail to meet the requirements of this section;

[(b)] (B) Bear an expiration date that is less than nine months from the date the drug is donated;

[(c)] (C) Are adulterated or misbranded; or

[(d)] (D) Belong to a category of controlled substances that may not be distributed under the program as adopted by the board by rule pursuant to ORS 689.774.

**(b) The board may waive a requirement of this subsection if the board determines that the waiver is in the interest of public health and safety. A waiver under this subsection must be issued in writing in accordance with rules adopted by the board.**

(4) The program shall:

(a) Require a donor of prescription drugs to complete and sign a donor form, adopted by rule by the board, releasing the prescription drug to the program for distribution under the program and certifying that the donated drug has been properly stored and has never been opened, used, adulterated or misbranded;

(b) Require that the pharmacist will use professional judgment, based on a visual inspection, to verify compliance with this section and rules adopted by the board under ORS 689.774;

(c) Properly dispose of all prescription drugs that do not meet the requirements of this section and rules adopted by the board under ORS 689.774;

(d) Maintain separate confidential files for individuals receiving donated prescription drugs through the program;

(e) Eliminate personal information from the labels of donated prescription drugs;

(f) Maintain an inventory of donated prescription drugs separate from any other inventory;

- (g) Store donated prescription drugs in a secure location to be used exclusively for the program;
- (h) Report to the board on the activities of the program in the form and manner required by the board; and
- (i) Require a recipient of a donated prescription drug to sign a form, as adopted by the board by rule, attesting that the recipient has been notified by the program that:
  - (A) The prescription drug distributed to the recipient was donated to the program;
  - (B) A visual inspection was conducted by a pharmacist to ensure that the drug has not expired, been adulterated or misbranded and is in its original, sealed packaging;
  - (C) A pharmacist has determined that the drug is safe to distribute based on the accuracy of the donor's form and the visual inspection by the pharmacist; and
  - (D) Participants in the program are immune from liability as provided in ORS 689.780.
- (5) The program may not charge a fee for accepting a donation but may charge a fee established by the board by rule for distributing a prescription drug.
- (6) The program may not sell any prescription drugs received as a donation through the program.
- (7) The program may refuse to accept a prescription drug that, upon visual inspection, appears not to qualify for distribution under this section or rules adopted by the board under ORS 689.774.
- (8) The program may distribute donated prescription drugs to:
  - (a) Another charitable prescription drug program; or
  - (b) An individual with a new prescription for prescription drugs who meets the requirements of ORS 689.778.

**Passed by House March 11, 2013**

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 Ramona J. Line, Chief Clerk of House  
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 Tina Kotek, Speaker of House

**Passed by Senate May 2, 2013**

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 Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2013

**Approved:**

.....M.,....., 2013

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 John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2013

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 Kate Brown, Secretary of State