

House Bill 2740

Sponsored by Representative GELSER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes State Board of Pharmacy to waive requirement for distribution of prescription drugs under Charitable Prescription Drug Program if board determines that waiver is in interest of public health and safety.

A BILL FOR AN ACT

1
2 Relating to the Charitable Prescription Drug Program; amending ORS 689.772.

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

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

5 689.772. (1) There is created in the State Board of Pharmacy the Charitable Prescription Drug
6 Program. The purpose of the program is to distribute donated prescription drugs to needy or
7 uninsured individuals. Participation in the program is voluntary.

8 (2) The program may accept and distribute:

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

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

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

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

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

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

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

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

23 (4) The program shall:

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

- 1 (d) Maintain separate confidential files for individuals receiving donated prescription drugs
2 through the program;
- 3 (e) Eliminate personal information from the labels of donated prescription drugs;
- 4 (f) Maintain an inventory of donated prescription drugs separate from any other inventory;
- 5 (g) Store donated prescription drugs in a secure location to be used exclusively for the program;
- 6 (h) Report to the board on the activities of the program in the form and manner required by the
7 board; and
- 8 (i) Require a recipient of a donated prescription drug to sign a form, as adopted by the board
9 by rule, attesting that the recipient has been notified by the program that:
- 10 (A) The prescription drug distributed to the recipient was donated to the program;
- 11 (B) A visual inspection was conducted by a pharmacist to ensure that the drug has not expired,
12 been adulterated or misbranded and is in its original, sealed packaging;
- 13 (C) A pharmacist has determined that the drug is safe to distribute based on the accuracy of the
14 donor's form and the visual inspection by the pharmacist; and
- 15 (D) Participants in the program are immune from liability as provided in ORS 689.780.
- 16 (5) The program may not charge a fee for accepting a donation but may charge a fee established
17 by the board by rule for distributing a prescription drug.
- 18 (6) The program may not sell any prescription drugs received as a donation through the pro-
19 gram.
- 20 (7) The program may refuse to accept a prescription drug that, upon visual inspection, appears
21 not to qualify for distribution under this section or rules adopted by the board under ORS 689.774.
- 22 (8) The program may distribute donated prescription drugs to:
- 23 (a) Another charitable prescription drug program; or
- 24 (b) An individual with a new prescription for prescription drugs who meets the requirements of
25 ORS 689.778.

26
