

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred House Bill No. 414
3 entitled “An act relating to establishing an unused drug repository for
4 Vermont” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 Sec. 1. 18 V.S.A. chapter 91, subchapter 5 is added to read:

8 Subchapter 5. Unused Drug Repository Program

9 § 4671. CREATION OF PROGRAM

10 The Agency of Human Services may contract or enter into agreements with
11 qualified entities as needed to create and administer an unused drug repository
12 program for the collection and distribution of unused drugs in Vermont, to the
13 extent that funds are appropriated or otherwise made available for this
14 purpose.

15 § 4672. AGENCY OF HUMAN SERVICES; RULEMAKING

16 The Agency of Human Services shall adopt rules for the administration of
17 the program, including rules regarding:

18 (1) donations to the program, which may include donations from
19 institutional settings in Vermont, such as pharmacies, long-term care facilities,
20 Veterans’ Administration facilities, correctional facilities, hospitals, and other
21 facilities, as well as donations from individuals;

- 1 (2) what types of drugs may be donated to the program;
2 (3) safety criteria for donated drugs, which may include packaging
3 requirements and inspections; and
4 (4) patient eligibility to receive drugs from the program, with priority
5 given to patients who meet one or more of the following criteria:
6 (A) patients whose household income is below 400 percent of the
7 federal poverty level;
8 (B) patients who are uninsured;
9 (C) patients who are underinsured;
10 (D) patients who are Medicare beneficiaries and are experiencing a
11 coverage gap in their Medicare prescription drug coverage; and
12 (E) patients who are on a high-deductible health plan or on a plan
13 with high co-payment requirements for prescription drugs, or both.

14 **§ 4673. LIMITATIONS ON LIABILITY**

15 **Except in cases of bad faith, gross negligence, intentional misconduct,**
16 **or noncompliance with the rules adopted pursuant to section 4672 of this**
17 **chapter, the following persons shall not be subject to civil or criminal**
18 **liability or professional disciplinary action for participating in or**

1 **otherwise complying with the program established by this subchapter or**
2 **rules adopted pursuant to this subchapter:**

3 **(1) a person who donates or gives drugs to an eligible recipient,**
4 **including a drug manufacturer; wholesaler; reverse distributor**
5 **pharmacy; third-party logistics provider; governmental entity; hospital or**
6 **other health care facility, as defined in section 9432 of this title; or long-**
7 **term care facility licensed under 33 V.S.A. chapter 71;**

8 **(2) an eligible recipient, as defined by the Agency by rule pursuant**
9 **to subdivision 4672(4) of this chapter;**

10 **(3) a health care provider, as defined in section 9402 of this title,**
11 **who prescribes or dispenses a donated drug;**

12 **(4) an intermediary that helps administer the program by**
13 **facilitating the donation or transfer of drugs to eligible recipients;**

14 **(5) a manufacturer or repackager of a donated drug; and**

15 **(6) any employee, volunteer, trainee, or other staff of any person**
16 **listed in subdivisions (1)–(5) of this section.**

17 **Sec. 2. UPDATE ON RULEMAKING PROCESS; REPORT**

18 **The Agency of Human Services shall provide an update on the status of**
19 **rulemaking for the administration of the unused drug repository program**
20 **as part of the Agency’s fiscal year 2024 budget adjustment presentation.**

21 **Sec. 3. EFFECTIVE DATE**

1 This act shall take effect on July 1, 2023.

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9 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE