

March 16, 2023

House Committee on Health Care
Vermont State House
115 State Street
Montpelier, VT 05633-5301

RE: H.414, Establishing an unused drug repository for Vermont

Dear Chair Houghton and committee members,

We are writing to you as a coalition of health care associations about H.414, a bill that proposes to authorize the Agency of Human Services (AHS) to establish an unused drug repository program for the collection and distribution of unused drugs in Vermont. It gives the AHS the authority to adopt rules regarding donations to the repository, the types of drugs to be accepted, safety precautions, and recipient eligibility.

The Vermont Department of Health (VDH) met with a variety of stakeholders who reviewed and provided comments on the Unused Drug Repository Report 2023 Report to the Legislature. The coalition supports the recommendations in the report and the general direction of H.414. The coalition would like to address an important piece missing from H.414 that was included in the report, the liability protections for participants. As stated in the report:

Liability Protections:

In order to ensure participation in the program by institutions, the Department recommends that any participant in an unused drug repository program (including pharmacies, healthcare institutions, pharmacists, healthcare workers, manufacturers, distributors, participating entities, and governmental entities) shall not be subject to criminal or civil liability for injury caused when any entity or person donates, accepts, or dispenses prescription drugs in compliance with statute and program rules. These immunities should not apply in cases of noncompliance with regulations, bad faith, gross negligence, or the like.

We strongly encourage the committee to include this provision in the bill. We believe without this language and the protection it offers to health care institutions, providers, manufacturers, pharmacists, distributors, participating and governmental entities, donations to the program could be limited. This important program will help control drug waste and improve medication access for people who qualify.

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