

1 H.414

2 An act relating to establishing an unused drug repository for Vermont

3 It is hereby enacted by the General Assembly of the State of Vermont:

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

5 Subchapter 5. Unused Drug Repository Program

6 § 4671. CREATION OF PROGRAM

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

11 § 4672. AGENCY OF HUMAN SERVICES; RULEMAKING

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

14 (1) donations to the program, which may include donations from
15 institutional settings in Vermont, such as pharmacies, long-term care facilities,
16 Veterans' Administration facilities, correctional facilities, hospitals, and other
17 facilities, as well as donations from individuals;

18 (2) what types of drugs may be donated to the program;

19 (3) safety criteria for donated drugs, which may include packaging
20 requirements and inspections; and

1 (4) patient eligibility to receive drugs from the program, which shall be
2 available to any patient, with priority given to patients who meet one or more
3 of the following criteria:

4 (A) patients whose household income is below 400 percent of the
5 federal poverty level;

6 (B) patients who are uninsured;

7 (C) patients who are underinsured;

8 (D) patients who are Medicare beneficiaries and are experiencing a
9 coverage gap in their Medicare prescription drug coverage; and

10 (E) patients who are on a high-deductible health plan or on a plan
11 with high co-payment requirements for prescription drugs, or both.

12 § 4673. LIMITATIONS ON LIABILITY

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

19 (1) a person who donates or gives drugs to an eligible recipient,
20 including a drug manufacturer; wholesaler; reverse distributor pharmacy; third-
21 party logistics provider; governmental entity; hospital or other health care

1 facility, as defined in section 9432 of this title; or long-term care facility
2 licensed under 33 V.S.A. chapter 71;

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

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

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

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

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

12 Sec. 2. UPDATE ON RULEMAKING PROCESS; REPORT

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

16 Sec. 3. EFFECTIVE DATE

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