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H.667

Introduced by Representatives Strong of Albany, Batchelor of Derby,
Gamache of Swanton, and Morrissey of Bennington

Referred to Committee on

Date:

Subject: Health; patient choice at end of life; unused medication; safe disposal

Statement of purpose of bill as introduced: This bill proposes to establish a
process by which a patient with a terminal condition who seeks medication to
be self-administered to hasten his or her own death would name a personal
representative to be responsible for safely disposing of any unused medication
remaining after the patient's death.

An act relating to safe disposal of certain unused medications

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

Sec. 1. 18 V.S.A. § 5283(a) is amended to read:

(a) A physician shall not be subject to any civil or criminal liability or
professional disciplinary action if the physician prescribes to a patient with a
terminal condition medication to be self-administered for the purpose of
hastening the patient's death and the physician affirms by documenting in the
patient's medical record that all of the following occurred:

* * *

1 (12) The physician wrote the prescription no fewer than 48 hours after
2 the last to occur of the following events:

3 (A) the patient's written request for medication to hasten his or her
4 death;

5 (B) the patient's second oral request; or

6 (C) the physician's offering the patient an opportunity to rescind the
7 request.

8 (13) Prior to writing the prescription, the physician requested and
9 obtained from the patient the name and contact information of an expressly
10 identified representative of the patient who would be assuming responsibility
11 for the safe disposal of any unused medication prescribed pursuant to this
12 chapter, and the physician provided information to the representative regarding
13 safe disposal of the medication, as well as a form for the representative to
14 complete after the patient's death and a preaddressed, postage-paid envelope
15 for the representative to use to return the form to the Department of Health.

16 (14) The physician either:

17 (A) dispensed the medication directly, provided that at the time the
18 physician dispensed the medication, he or she was licensed to dispense
19 medication in Vermont, had a current Drug Enforcement Administration
20 certificate, and complied with any applicable administrative rules; or

21 (B) with the patient's written consent:

1 (i) contacted a pharmacist and informed the pharmacist of the
2 prescription; and

3 (ii) delivered the written prescription personally or by mail or
4 facsimile to the pharmacist, who dispensed the medication to the patient, the
5 physician, or an expressly identified agent of the patient.

6 ~~(14)~~(15) The physician recorded and filed the following in the patient's
7 medical record:

8 * * *

9 ~~(15)~~(16) After writing the prescription, the physician promptly filed a
10 report with the Department of Health documenting completion of all of the
11 requirements under this section, including the name and contact information of
12 the expressly identified representative of the patient who would be contacting
13 the Department after the patient's death to attest to the safe disposal of any
14 unused medication prescribed pursuant to this chapter.

15 Sec. 2. 18 V.S.A. § 5291 is amended to read:

16 § 5291. SAFE DISPOSAL OF UNUSED MEDICATIONS

17 (a) The Department of Health shall adopt rules providing for the safe
18 disposal of unused medications prescribed under this chapter.

19 (b) The expressly identified representative of a patient who was prescribed
20 medication pursuant to this chapter shall assume responsibility for the safe
21 disposal of any unused medication remaining after the patient's death in

1 accordance with the rules adopted by the Department of Health. Within
2 10 calendar days following the death of the patient, the representative shall
3 mail to the Department of Health the safe disposal of medication form
4 provided to the patient or the representative by the prescribing physician. If
5 the patient self-administered the entire dose of the medication prescribed, the
6 representative shall indicate on the form that all of the medication was
7 consumed and no medication remains for disposal. If the patient died prior to
8 self-administering the medication or the patient did self-administer the
9 medication but did not consume the entire amount dispensed, the
10 representative shall describe the manner in which the unused medication or
11 unused portion of the medication was disposed of, and shall attest that the
12 unused medication was disposed of safely. If the Department of Health does
13 not receive the safe disposal of unused medication form within 15 days
14 following the patient's date of death, the Department shall contact the
15 representative to determine the status of any unused medication.

16 Sec. 3. EFFECTIVE DATE

17 This act shall take effect on passage.