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H.626

Introduced by Representatives Pugh of South Burlington and McFaun of  
Barre Town

Referred to Committee on

Date:

Subject: Health; prescription drugs; Board of Pharmacy; Unused Prescription  
Drug Repository Program

Statement of purpose of bill as introduced: This bill proposes to establish the  
Unused Prescription Drug Repository Program to accept unused prescription  
drugs and supplies and donate them to Vermont residents who meet eligibility  
standards.

An act relating to the Unused Prescription Drug Repository Program

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

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

Subchapter 4. Unused Prescription Drug Repository Program

§ 4641. DEFINITIONS

As used in this subchapter:

(1) “Drug manufacturer” means anyone who is engaged in the  
manufacturing, preparing, propagating, compounding, processing, packaging,  
repackaging, or labeling of a prescription drug.

1           (2) “Health care facility” shall have the same meaning as in section  
2           9402 of this title.

3           (3) “Health care professional” means an individual, partnership,  
4           corporation, facility, or institution licensed, certified, or otherwise authorized  
5           by Vermont law to provide professional health services.

6           (4) “Hospital” means an acute care hospital licensed under chapter 43 of  
7           this title.

8           (5) “Prescription drug” means any human drug required by federal law  
9           or regulation to be dispensed only by a prescription, including finished dosage  
10           forms and active ingredients subject to Section 503(b) of the Federal Food,  
11           Drug, and Cosmetic Act.

12           (6) “Supplies” means the supplies necessary to administer the  
13           prescription drugs donated.

14           (7) “Wholesale drug distributor” means any person who is engaged in  
15           wholesale distribution of prescription drugs, as defined in 26 V.S.A. § 2022,  
16           but does not include any for-hire carrier or person hired solely to transport  
17           prescription drugs.

18           § 4642. UNUSED PRESCRIPTION DRUG REPOSITORY PROGRAM

19           (a) Creation. The Board of Pharmacy created pursuant to 26 V.S.A.  
20           chapter 36 shall establish the Unused Prescription Drug Repository Program to  
21           accept and dispense donated prescription drugs and supplies to Vermont

1 residents who meet the eligibility standards adopted by the Board by rule in  
2 accordance with section 4643 of this title.

3 (b) Donations. Any person may donate prescription drugs and supplies for  
4 use by persons who meet the eligibility standards adopted by the Board of  
5 Pharmacy by rule. Donations of prescription drugs and supplies may be made  
6 on the premises of a pharmacy, hospital, or other health care facility that elects  
7 to participate in the Program and meets the requirements established by the  
8 Board.

9 (c) Program requirements.

10 (1) The Program shall accept and dispense a prescription drug or  
11 supplies only if the following conditions are met:

12 (A) The prescription drug is in its original sealed and tamper-evident  
13 packaging, except that the Program may accept and dispense a prescription  
14 drug packaged in a single-unit dose with the outside packaging opened if the  
15 single-unit dose packaging remains intact.

16 (B) The prescription drug bears an expiration date that is more than  
17 six months after the date of donation, except that a donated prescription drug  
18 with a date that is six months or less after the date of donation may be accepted  
19 and distributed if the drug is in high demand and can be dispensed for use prior  
20 to the drug's expiration date.

1           (C) The prescription drug or supplies are inspected before they are  
2           dispensed by a licensed pharmacist employed by or under contract with the  
3           health care facility, hospital, or pharmacy, and the licensed pharmacist  
4           determines that the prescription drug or supplies are not adulterated or  
5           misbranded.

6           (D) The prescription drug or supplies are prescribed by a health care  
7           professional acting within his or her scope of practice for use by an eligible  
8           individual and are dispensed by a licensed pharmacist or are dispensed to an  
9           eligible individual by the prescribing health care professional or by the health  
10          care professional's authorized agent.

11          (2) A prescription drug or supplies donated pursuant to this chapter shall  
12          not be resold.

13          (3)(A) If a person who donates prescription drugs under this chapter to a  
14          pharmacy, hospital, or other health care facility receives a notice from a  
15          pharmacy that a prescription drug has been recalled, the person shall inform  
16          the pharmacy, hospital, or other health care facility of the recall.

17          (B) If a pharmacy, hospital, or other health care facility receives a  
18          recall notification from a person who donated prescription drugs pursuant to  
19          this chapter, the pharmacy, hospital, or other health care facility shall perform  
20          a uniform destruction of all of the recalled prescription drugs in the pharmacy,  
21          hospital, or facility, regardless of the source of the recalled drugs.

1           (4) A prescription drug dispensed through the Unused Prescription Drug  
2           Repository Program shall not be eligible for Medicaid reimbursement.

3           § 4643. BOARD OF PHARMACY; RULEMAKING

4           The Board of Pharmacy, in consultation with the Department of Health and  
5           the Board of Medical Practice, shall adopt rules establishing all of the  
6           following:

7           (1) Requirements for pharmacies, hospitals, and other health care  
8           facilities to accept and dispense donated prescription drugs and supplies,  
9           including the following:

10           (A) eligibility criteria for participation by pharmacies, hospitals, and  
11           other health care facilities;

12           (B) standards and procedures for accepting, safely storing, and  
13           dispensing donated prescription drugs and supplies;

14           (C) standards and procedures for inspecting donated prescription  
15           drugs to determine if the prescription drugs are in their original sealed and  
16           tamper-evident packaging, or if the prescription drugs are in single-unit doses  
17           or blister packs and the outside packaging is opened, if the single-unit dose  
18           packaging or blister pack remains intact; and

19           (D) standards and procedures for inspecting donated prescription  
20           drugs and supplies to determine that the prescription drugs and supplies are not  
21           adulterated or misbranded.

1           (2) Eligibility criteria for individuals to receive donated prescription  
2           drugs and supplies dispensed by pharmacies, hospitals, and other health care  
3           facilities under the Program. The standards shall prioritize dispensing to  
4           individuals with income at or below 400 percent of the federal poverty level,  
5           but may permit dispensing to other individuals if an individual with income at  
6           or below 400 percent of the federal poverty level is unavailable.

7           (3) A means by which an individual who is eligible to receive donated  
8           prescription drugs may indicate such eligibility.

9           (4) Necessary forms for administration of the Unused Prescription Drug  
10          Repository Program, including forms for use by individuals who donate,  
11          accept, distribute, or dispense prescription drugs or supplies under the  
12          Program.

13          (5) The maximum handling fee that a pharmacy, hospital, or other health  
14          care facility may charge for accepting, distributing, or dispensing donated  
15          prescription drugs and supplies under the Program.

16          (6) A list of prescription drugs and supplies that the Unused Prescription  
17          Drug Repository Program will accept.

18          § 4644. LIMITATION OF LIABILITY

19          (a) The following persons shall not, in the absence of bad faith, be subject  
20          to civil or criminal liability or professional disciplinary action for injury, death,  
21          or loss to person or property resulting from the use of prescription drugs or

1 supplies accepted or dispensed under the Unused Prescription Drug Repository

2 Program established pursuant to this chapter:

3 (1) a physician licensed pursuant to 26 V.S.A. chapter 23;

4 (2) an osteopathic physician licensed pursuant to 26 V.S.A. chapter 33;

5 (3) a podiatric physician licensed pursuant to 26 V.S.A. chapter 7;

6 (4) a registered nurse, licensed practical nurse, or advanced practice

7 registered nurse licensed pursuant to 26 V.S.A. chapter 28;

8 (5) a physician assistant licensed pursuant to 26 V.S.A. chapter 31;

9 (6) a dentist licensed pursuant to 26 V.S.A. chapter 12;

10 (7) an optometrist licensed pursuant to 26 V.S.A. chapter 30;

11 (8) a pharmacist licensed pursuant to 26 V.S.A. chapter 36;

12 (9) a member of the Vermont Board of Pharmacy;

13 (10) a wholesale drug distributor;

14 (11) a hospital or other health care facility; and

15 (12) any other State governmental officer, agency, or department.

16 (b) A drug manufacturer or supply manufacturer shall not, in the absence of  
17 bad faith, be subject to civil or criminal liability for injury, death, or loss to

18 person or property for matters related to the donation, acceptance, or

19 dispensing of a prescription drug or supply manufactured by that drug

20 manufacturer or supply manufacturer that is donated under the Program,

21 including liability for failure to transfer or communicate product or consumer

1 information or liability related to the expiration date of the donated  
2 prescription drug or supply.

3 § 4645. FORMS

4 The Board of Pharmacy, in consultation with the Board of Health and with  
5 the Departments of Vermont Health Access, of Health, and of Disabilities,  
6 Aging and Independent Living, shall create forms necessary to implement the  
7 provisions of this chapter. The forms shall include:

8 (1) a form that an individual receiving a prescription drug or supply  
9 from the Program shall sign before receiving the drug or supply to confirm that  
10 the individual understands the limitations on liability under the Program;

11 (2) a form each donor shall sign stating that the donor is the owner of  
12 the prescription drugs or supplies and intends to donate them voluntarily to the  
13 Program; and

14 (3) a form, such as an identification card, that an individual who is  
15 eligible to receive donated drugs or supplies may use to demonstrate eligibility.

16 Sec. 2. EFFECTIVE DATE

17 This act shall take effect on July 1, 2017, except that the Board of Pharmacy  
18 may adopt rules prior to that date to ensure that the Program is operational on  
19 July 1, 2017.