

1 H.414

2 Introduced by Representatives Whitman of Bennington, Brumsted of
3 Shelburne, and Goldman of Rockingham

4 Referred to Committee on

5 Date:

6 Subject: Health; prescription drugs; unused drug repository

7 Statement of purpose of bill as introduced: This bill proposes to authorize the
8 Agency of Human Services to establish an unused drug repository for the
9 collection and distribution of unused drugs in Vermont. The bill would also
10 give the Agency the authority to adopt rules regarding donations to the
11 repository, the types of drugs accepted, safety precautions, recipient eligibility,
12 and other program requirements.

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

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

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

16 ~~Subchapter 5. Unused Drug Repository Program~~

17 ~~§ 4671. CREATION OF PROGRAM~~

1 ~~The Agency of Human Services may contract or enter into agreements with~~
2 ~~qualified entities as needed to create and administer an unused drug repository~~
3 ~~program for the collection and distribution of unused drugs in Vermont.~~

4 § 4672. AGENCY OF HUMAN SERVICES; RULEMAKING

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

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

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

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

14 (4) patient eligibility to receive drugs from the program, with priority
15 given to patients who meet one or more of the following criteria:

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

18 (B) patients who are uninsured;

19 (C) patients who are underinsured;

20 (D) patients who are Medicare beneficiaries and are experiencing a
21 coverage gap in their Medicare prescription drug coverage, and

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

3 Sec. 2. EFFECTIVE DATE

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

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

Subchapter 5. Unused Drug Repository Program

§ 4671. CREATION OF PROGRAM

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

§ 4672. AGENCY OF HUMAN SERVICES; RULEMAKING

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

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

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

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

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

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

(B) patients who are uninsured;

(C) patients who are underinsured;

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

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

§ 4673. LIMITATIONS ON LIABILITY

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

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

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

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

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

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

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

Sec. 2. UPDATE ON RULEMAKING PROCESS; REPORT

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

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.