
SENATE BILL 6051

State of Washington

62nd Legislature

2012 Regular Session

By Senators Keiser, Conway, Kline, and Frockt

Read first time 01/09/12. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to the donation and redistribution of unused
2 prescription drugs; and adding a new chapter to Title 70 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Department" means the department of health.

7 (2) "Donor" means an individual who donates unused prescription
8 drugs to a health care facility or a participating practitioner for the
9 purpose of redistribution to established patients of that health care
10 facility or practitioner.

11 (3) "Health care facility" means a hospital, clinic, nursing home,
12 laboratory, office, or similar place where a health care provider
13 provides health care to patients.

14 (4) "Participating practitioner" means a licensed health care
15 practitioner who is authorized to prescribe drugs and who registers
16 with the department to participate in the collection of donated drugs,
17 prescribed for use by established patients of that health care
18 practitioner and donated for the purpose of redistribution to
19 established patients of that health care practitioner.

1 (5) "Recipient" means an individual who voluntarily receives
2 donated prescription drugs.

3 (6) "Tamper-evident" means a device or process that makes
4 unauthorized access to protected pharmaceutical packaging easily
5 detected.

6 NEW SECTION. **Sec. 2.** (1) Unused prescription drugs may be donated
7 to a health care facility or a participating practitioner and a health
8 care facility or a participating practitioner may accept and
9 redistribute the donated prescription drugs in accordance with
10 department rules.

11 (2) The department must adopt rules establishing:

12 (a) Procedures to allow the donation and redistribution of certain
13 prescription drugs, including refrigerated drugs, that:

14 (i) Ensure that the redistribution process is consistent with
15 public health and safety standards; and

16 (ii) Exclude controlled substances;

17 (b) Standards and procedures for accepting, storing, labeling, and
18 redistributing donated prescription drugs;

19 (c) Standards and procedures for inspecting donated prescription
20 drugs to determine that the packaging is tamper-evident and that the
21 donated prescription drugs are unadulterated, safe, and suitable for
22 redistribution;

23 (d) A form to be signed by the recipient specifying:

24 (i) Knowledge that the donor is not a pharmacist and took
25 reasonable care of the donated prescription drug;

26 (ii) Knowledge that the donor is known to the health care facility
27 or the participating practitioner and that there is no reason to
28 believe that the donated prescription drug was improperly handled or
29 stored;

30 (iii) That any person who exercises reasonable care in donating,
31 accepting, or redistributing under this section is immune from civil or
32 criminal liability or professional disciplinary action of any kind for
33 any related injury, death, or loss; and

34 (iv) That the immunity provided by this section does not decrease
35 or increase the civil or criminal liability of a drug manufacturer,
36 distributor, or dispenser that would have existed but for the donation;

37 (e) A form to be signed by the donor verifying that:

1 (i) The donated prescription drug has been properly stored and the
2 container has not been opened or tampered with;

3 (ii) The donated prescription drug has not been adulterated or
4 misbranded; and

5 (iii) The donor is voluntarily donating the prescription drug;

6 (f) A handling fee not to exceed twenty dollars that may be charged
7 to the recipient by the facility or the participating practitioner to
8 cover the costs of inspecting, storing, labeling, and redistributing
9 the donated prescription drug; and

10 (g) Any other standards deemed necessary by the department.

11 (3) The department must maintain and publish a current listing of
12 participating health care facilities and participating practitioners.

13 NEW SECTION. **Sec. 3.** Before redistributing donated prescription
14 drugs, a health care facility or participating practitioner must:

15 (1) Comply with all applicable federal and state laws that deal
16 with the inspection, storage, labeling, and redistribution of donated
17 prescription drugs; and

18 (2) Examine the donated prescription drug to determine that it has
19 not been adulterated or misbranded and certify that the drug has been
20 stored in compliance with the requirements of the product label.

21 NEW SECTION. **Sec. 4.** (1) Any person who exercises reasonable care
22 in donating, accepting, or redistributing prescription drugs pursuant
23 to this section is immune from civil or criminal liability or
24 professional disciplinary action of any kind for any related injury,
25 death, or loss.

26 (2) The immunity provided by this section does not decrease or
27 increase the civil or criminal liability of a drug manufacturer,
28 distributor, or dispenser that would have existed but for the donation.

29 (3) A manufacturer is not liable for failure to transfer or
30 communicate product consumer information or the expiration date of the
31 donated prescription drug under this section.

32 (4) This section does not restrict the authority of the state to
33 regulate or ban the use of any prescription drugs.

1 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute
2 a new chapter in Title 70 RCW.

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