

---

## Health Care & Wellness Committee

---

### SSB 5148

**Brief Description:** Allowing for redistribution of medications under certain conditions.

**Sponsors:** Senate Committee on Health Care (originally sponsored by Senators Keiser, Becker, Cleveland, Conway, Frockt, Parlette, Rolfes, Kohl-Welles, Schlicher and Kline).

#### Brief Summary of Substitute Bill

- Establishes a program for health practitioners, pharmacists, medical facilities, and drug manufacturers and wholesalers to donate, accept, and redistribute prescription drugs and supplies at no cost to people expressing a need.
- Provides immunity to participants in the prescription drug redistribution program.

**Hearing Date:** 3/14/13

**Staff:** Chris Blake (786-7392).

#### Background:

Except in limited situations, the Board of Pharmacy prohibits pharmacies from accepting drugs and supplies for return or exchange after they have been taken off of the premises from where they were sold, distributed, or dispensed. Exceptions apply to drugs that have been dispensed in unit dose forms or in a sealed ampoule that allows the pharmacist to determine if it has been tampered with and that it meets standards for storage conditions, including temperature, light sensitivity, and chemical and physical stability. In addition, hospitals and long-term care facilities may accept drugs for return and reuse under similar circumstances. Controlled substances may not be returned to a pharmacy except to be destroyed.

#### Summary of Bill:

Practitioners, pharmacists, medical facilities, drug manufacturers, or drug wholesalers may donate prescription drugs and supplies to a pharmacy for redistribution to individuals at no cost. The drugs may either be distributed by the receiving pharmacy or sent to another pharmacy,

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

pharmacist, or prescribing practitioner for distribution under the program. Priority for the redistributed drugs and supplies must be given to those who are uninsured and at or below 200 percent of the federal poverty level. Other individuals expressing need may receive the drugs or supplies if an uninsured, low-income individual has not been identified. Drugs and supplies received under the program may not be resold.

Prescription drugs and supplies may only be accepted and dispensed if they are inspected by the accepting pharmacist who determines that they have not been adulterated or misbranded. Prescription drugs must be more than six months from expiration at the date of donation and be in their original sealed and tamper-evident packaging or an unopened single dose package. If a donor has received a recall notice regarding donated prescription drugs or supplies, he or she must notify the pharmacy which must immediately remove the recalled medications.

Practitioners, pharmacists, medical facilities, drug manufacturers, and drug wholesalers are immune from civil liability, criminal prosecution, and professional discipline, unless they act with gross negligence. The immunity applies to damages for injury, death, or personal or property loss related to the donation, acceptance, or dispensing of the drug, including liability for failure to transfer or communicate product information or the expiration date of the donated items. Gross negligence may not be established if the participant: (1) reasonably verifies the eligibility and priority of the recipient; (2) informs a recipient that the drugs have been donated for purposes of redistribution; (3) meets any Board of Pharmacy standard for the return or exchange of drugs; (4) maintains records of donated and dispensed items; and (5) identifies itself to the public as a participant in the program.

The Department of Health must adopt rules establishing forms and procedures to verify the eligibility and priority of patients and to inform people receiving prescription drugs through the program that the drugs were donated for redistribution.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on July 1, 2014.