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**SUBSTITUTE HOUSE BILL 2458**

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**State of Washington                      64th Legislature                      2016 Regular Session**

**By House Health Care & Wellness (originally sponsored by Representatives Parker, Cody, Riccelli, Holy, and Tharinger)**

READ FIRST TIME 02/02/16.

1            AN ACT Relating to participation in the prescription drug  
2 donation program; amending RCW 69.70.010, 69.70.020, 69.70.040, and  
3 69.70.060; creating a new section; and providing an effective date.

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

5            **Sec. 1.** RCW 69.70.010 and 2013 c 260 s 1 are each amended to  
6 read as follows:

7            The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

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

10           (2) "Drug manufacturer" means a facility licensed by the (~~board~~  
11 ~~of~~) pharmacy quality assurance commission under chapter 18.64 RCW  
12 that engages in the manufacture of drugs or devices.

13           (3) "Drug wholesaler" means a facility licensed by the (~~board~~  
14 ~~of~~) pharmacy quality assurance commission under chapter 18.64 RCW  
15 that buys drugs or devices for resale and distribution to  
16 corporations, individuals, or entities other than consumers.

17           (4) "Medical facility" means a hospital, pharmacy, nursing home,  
18 boarding home, adult family home, or medical clinic where the  
19 prescription drugs are under the control of a practitioner.

20           (5) "Person" means an individual, corporation, business trust,  
21 estate, trust, partnership, association, joint venture, government,

1 governmental subdivision or agency, or any other legal or commercial  
2 entity.

3 (6) "Pharmacist" means a person licensed by the (~~board of~~)  
4 pharmacy quality assurance commission under chapter 18.64 RCW to  
5 practice pharmacy.

6 (7) "Pharmacy" means a facility licensed by the (~~board of~~)  
7 pharmacy quality assurance commission under chapter 18.64 RCW in  
8 which the practice of pharmacy is conducted.

9 (8) "Practitioner" has the same meaning as in RCW 69.41.010.

10 (9) "Prescribing practitioner" means a person authorized to issue  
11 orders or prescriptions for legend drugs as listed in RCW 69.41.030.

12 (10) "Prescription drugs" has the same meaning as "legend drugs"  
13 as defined in RCW 69.41.010. The term includes cancer drugs and  
14 antirejection drugs. The term does not include controlled substances.

15 (11) "Supplies" means the supplies necessary to administer  
16 prescription drugs that are donated under the prescription drug  
17 redistribution program.

18 (12) "Time temperature indicator" means a device or smart label  
19 that shows the accumulated time-temperature history of a product by  
20 providing a nonreversible, accurate record of temperature exposure  
21 through the entire supply chain.

22 (13) "Uninsured" means a person who:

23 (a) Does not have private or public health insurance; or

24 (b) Has health insurance, but the health insurance does not  
25 provide coverage for a particular drug that has been prescribed to  
26 the person.

27 **Sec. 2.** RCW 69.70.020 and 2013 c 260 s 2 are each amended to  
28 read as follows:

29 (1) Any practitioner, pharmacist, medical facility, drug  
30 manufacturer, or drug wholesaler may donate prescription drugs and  
31 supplies to a pharmacy for redistribution without compensation or the  
32 expectation of compensation to individuals who meet the  
33 prioritization criteria established in RCW 69.70.040. Donations of  
34 prescription drugs and supplies may be made on the premises of a  
35 pharmacy that elects to participate in the provisions of this  
36 chapter. A pharmacy that receives prescription drugs or supplies may  
37 distribute the prescription drugs or supplies to another pharmacy,  
38 pharmacist, or prescribing practitioner for use pursuant to the  
39 program.

1       (2) The person to whom a prescription drug was prescribed, or the  
2 person's representative, may donate prescription drugs under  
3 subsection (1) of this section if, as determined by the professional  
4 judgment of a pharmacist, the prescription drugs were stored under  
5 required temperature conditions using the prescription drugs' time  
6 temperature indicator information and the person, or the person's  
7 representative, has completed and signed a donor form, adopted by the  
8 department, to release the prescription drug for distribution under  
9 this chapter and certifying that the donated prescription drug has  
10 never been opened, used, adulterated, or misbranded.

11       **Sec. 3.** RCW 69.70.040 and 2013 c 260 s 4 are each amended to  
12 read as follows:

13       Pharmacies, pharmacists, and prescribing practitioners that elect  
14 to dispense donated prescription drugs and supplies under this  
15 chapter shall give priority to individuals who are uninsured (~~and at~~  
16 ~~or below two hundred percent of the federal poverty level~~). If an  
17 uninsured (~~and low income~~) individual has not been identified as in  
18 need of available prescription drugs and supplies, those prescription  
19 drugs and supplies may be dispensed to other individuals expressing  
20 need.

21       **Sec. 4.** RCW 69.70.060 and 2013 c 260 s 6 are each amended to  
22 read as follows:

23       (1) The department (~~must~~) shall adopt rules establishing forms  
24 and procedures to: Reasonably verify eligibility and prioritize  
25 patients seeking to receive donated prescription drugs and supplies;  
26 and inform a person receiving prescription drugs donated under this  
27 program that the prescription drugs have been donated for the  
28 purposes of redistribution. A patient's eligibility may be determined  
29 by a form signed by the patient certifying that the patient is  
30 uninsured (~~and at or below two hundred percent of the federal~~  
31 ~~poverty level~~).

32       (2) The department shall develop a form for persons to use when  
33 releasing prescription drugs for distribution and certifying the  
34 condition of the drugs, as provided in RCW 69.70.020(2).

35       (3) The department may establish any other rules necessary to  
36 implement this chapter.

1        NEW SECTION.    **Sec. 5.**    This act may be known and cited as the  
2 cancer can't charitable pharmacy act.

3        NEW SECTION.    **Sec. 6.**    This act takes effect January 1, 2017.

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