

# SENATE BILL REPORT

## SB 6526

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As Reported by Senate Committee On:  
Health & Long Term Care, February 5, 2020

**Title:** An act relating to the reuse and donation of unexpired prescription drugs.

**Brief Description:** Reusing and donating unexpired prescription drugs.

**Sponsors:** Senators Cleveland, Hasegawa, Keiser, Van De Wege and Wilson, C.

**Brief History:**

**Committee Activity:** Health & Long Term Care: 1/29/20, 1/31/20, 2/05/20 [DPS, w/oRec].

**Brief Summary of First Substitute Bill**

- Directs the Pharmacy Quality Assurance Commission to promulgate rules to allow the Department of Corrections pharmacy to accept returns and reuse some prescription drugs.
- Allows pharmacies to donate certain opened prescription drugs to other pharmacies for redistribution.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Majority Report:** That Substitute Senate Bill No. 6526 be substituted therefor, and the substitute bill do pass.

Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway, Dhingra, Frockt, Keiser, Muzzall, Rivers and Van De Wege.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Becker.

**Staff:** Greg Attanasio (786-7410)

**Background:** The Department of Corrections (DOC) provides medically necessary health and mental health care to incarcerated individuals at all DOC facilities in the state. Pharmacy services are provided from a central pharmacy located in Centralia and prescription drugs are shipped to facilities across the state.

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*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.*

A pharmacy may not accept for return prescription drugs after they have been taken from the premises where sold, distributed, or dispensed, except under limited circumstances. A pharmacy may accept for return drugs legally dispensed by prescription in unit dose forms or in sealed single or multiple-dose ampoules or vials where the pharmacist can readily determine that entry or attempted entry has not been made, and which meet United States Pharmacopeia for storage conditions.

Under the Prescription Drug Donation Program, a practitioner, pharmacist, medical facility, drug manufacturer, or drug wholesaler may donate prescription drugs and supplies to a pharmacy for redistribution without compensation. When redistributing donated drugs, priority is given to patients who are uninsured and have an income of 200 percent of the federal poverty level or less. A drug may only be donated if it was stored under required temperature conditions using the drug's time and temperature indicator information, and the donor has completed and signed a donor form to release the drug for distribution and certifies the drug has never been opened, used, adulterated, or misbranded.

**Summary of Bill (First Substitute):** The Pharmacy Quality Assurance Commission must promulgate rules allowing the DOC pharmacy to accept returns of unit dose packages, or full or partial multiple dose medication cards, from the facilities it serves and reuse the unexpired medication.

The Pharmacy Quality Assurance Commission may adopt rules to allow for the safe donation of prescription drugs, including but not limited to allowing pharmacy to pharmacy donations.

**EFFECT OF CHANGES MADE BY HEALTH & LONG TERM CARE COMMITTEE (First Substitute):**

- Moves the direction to the Pharmacy Quality Assurance Commission to promulgate rules concerning reuse of drugs by the DOC pharmacy to its own section.
- Strikes the provision allowing pharmacy to pharmacy donations and allow the Pharmacy Quality Assurance Commission to promulgate rules concerning drug donation.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: This bill is a continuation of work to reduce waste through drug donation. Pharmacy to pharmacy donation could save millions of dollars for patients who need expensive cancer medications.

OTHER: The bill provides options to DOC for unused medication that would otherwise go to waste. The language will clarify the ability of DOC to reuse returned drugs. DOC is open to amendments to fix technical aspects of the bill.

**Persons Testifying:** PRO: Senator Annette Cleveland, Prime Sponsor; Katie Kolan, Washington State Medical Oncology Society.

OTHER: William Hayes, Department of Corrections.

**Persons Signed In To Testify But Not Testifying:** No one.