H-4089.1

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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)

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

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

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

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

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

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

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

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

(5) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

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

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

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

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

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

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

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

(13) "Uninsured" means a person who:

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

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

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

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

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

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

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

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

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

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

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

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

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

**--- END ---**