HOUSE BILL NO. HB0194

Surplus medication.

Sponsored by: Representative(s) Hastert, Hinckley, Iekel, Meuli and Thompson and Senator(s) Barrasso, Case and Job

A BILL

for

1 AN ACT relating to pharmaceutical drugs; directing the department of health to establish a drug repository for the donation and dispensing of drugs as specified; providing definitions; providing rulemaking authority; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 35-7-1601 through 35-7-1606 are created to read:

35-7-1601. Short title. This act shall be known and may be cited as the "Drug Repository Program Act".

1
35-7-1602. Definitions.

(a) For purposes of this act:

(i) "Prescription drug" means a pharmaceutical drug which is required by any applicable federal or state law to be dispensed only pursuant to a physician's prescription; and

(ii) "Health care facility" means as defined in W.S. 35-2-901(a)(x) and that is additionally authorized to maintain an inventory of pharmaceutical drugs for dispensing to the facility's patients or residents.

35-7-1603. Drug repository program established; minimum requirements.

(a) The department shall establish pursuant to its rules and regulations a voluntary drug repository program for accepting donated drugs and dispensing them to Wyoming residents.

(b) The drug repository program shall have the following features:
(i) Any person or entity, including but not limited to a drug manufacturer, physician or health care facility, may donate drugs to the drug repository program;

(ii) Drugs may be donated at a physician's office, a pharmacy or health care facility that elects to participate in the program and meets criteria established by the department;

(iii) Drugs shall be accepted or dispensed under the drug repository program only if they are in their original, unopened, sealed packaging or, if the outside packaging is opened, the contents are single unit doses that are individually contained in unopened, tamper evident packaging;

(iv) A drug shall not be accepted or dispensed if it bears an expiration date that is earlier than six months after the date the drug was donated or the drug appears to be adulterated or misbranded in any way;

(v) Drugs in the repository program may be dispensed under the Medical Assistance and Services Act.
35-7-1604. Program participants.

(a) A physician, pharmacy or health care facility that accepts donated drugs under the drug repository program shall comply with all applicable provisions of state and federal law relating to the storage, distribution and dispensing of such drugs and shall inspect all donated drugs prior to dispensing to determine if they appear to be adulterated or misbranded in any way.

(b) Donated drugs may be distributed to another participating physician, pharmacy or health care facility for dispensing.

(c) Donated drugs shall only be dispensed to a patient pursuant to prescription as required by law.

(d) A physician, pharmacy or health care facility may charge a handling fee for distributing or dispensing drugs under the drug repository program, as established by department rules and regulations, but shall not otherwise resell or charge for donated drugs.
35-7-1605. Participant immunity.

(a) Any person who exercises reasonable care in donating, accepting, distributing or dispensing drugs under this act shall be immune from civil or criminal liability or professional disciplinary action of any kind for any related injury, death or loss.

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

35-7-1606. Rules and regulations; agency cooperation.

(a) The department, in cooperation with the Wyoming board of pharmacy, shall promulgate rules and regulations implementing the drug repository program established by this act. Initial rules shall be promulgated within ninety (90) days after the effective date of this act and shall include:
(i) Eligibility criteria and other standards and procedures for participating physicians and health care facilities;

(ii) Necessary forms for administration of the drug repository program, including forms for persons donating, accepting, distributing or dispensing drugs under the program;

(iii) Maximum handling fees;

(iv) Categories of drugs that the program will and will not accept.

Section 2. This act is effective July 1, 2005.