

HOUSE No. 2072

The Commonwealth of Massachusetts

PRESENTED BY:

Louis L. Kafka

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act providing for unused medication return by health care facilities.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|----------------------|---------------------------|
| Louis L. Kafka | 8th Norfolk |
| William C. Galvin | 6th Norfolk |
| Richard J. Ross | 9th Norfolk |
| Cleon H. Turner | 1st Barnstable |
| Denise Provost | 27th Middlesex |
| Mary E. Grant | 6th Essex |
| Christine E. Canavan | 10th Plymouth |
| Elizabeth Poirier | 14th Bristol |
| Bruce E. Tarr | First Essex and Middlesex |
| Stephen R. Canessa | 12th Bristol |
| Martha M. Walz | 8th Suffolk |
| Michael O. Moore | Second Worcester |
| Jennifer M. Callahan | 18th Worcester |
| John W. Scibak | 2nd Hampshire |
| Paul McMurtry | 11th Norfolk |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2125 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PROVIDING FOR UNUSED MEDICATION RETURN BY HEALTH CARE FACILITIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws, as appearing in the 2002 Official Edition, is
2 hereby amended by striking out section 25I and inserting in place the following section:

3 Section 25I. The commissioner shall promulgate regulations requiring that either a resident or consultant
4 pharmacist in a health care facility shall return to the pharmacy from which it was purchased all unused
5 medication; provided that such medication is sealed in unopened, individually packaged units and within
6 the recommended period of shelf life, and provided that such medication is not a Schedule I or II
7 controlled substance as defined in Chapter 94C. Such pharmacies shall accept all unused medications
8 regardless of whether such medications are included on any list of unit-dose drugs issued by the Office of
9 Medicaid. Any rules and regulations issued by the commissioner shall permit the pharmacy to which such
10 medication is returned to restock and redistribute such medication, and shall be required to reimburse or
11 credit the purchaser for any such returned medication.