

HOUSE No. 02359

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 relative to prescription drug waste.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Donald F. Humason, Jr.</i>	<i>4th Hampden</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Marc Lombardo</i>	<i>22nd Middlesex</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>Donald Wong</i>	<i>9th Essex</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Kevin Kuros</i>	<i>8th Worcester</i>
<i>Ryan Fattman</i>	<i>18th Worcester</i>
<i>Sheila Harrington</i>	<i>1st Middlesex</i>
<i>Kimberly Ferguson</i>	<i>1st Worcester</i>
<i>Matthew Beaton</i>	<i>11th Worcester</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>

<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>Elizabeth Poirier</i>	<i>14th Bristol</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>
<i>Bradford Hill</i>	<i>4th Essex</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>

HOUSE No. 02359

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2359) of Frost and others relative to the Commissioner of Public Health being directed to establish regulations for the return of certain unused prescription medications to pharmacies Joint Committee on Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 2070 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to prescription drug waste.

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 is hereby amended by striking out section 25I, as
- 2 appearing in the 2008 Official Edition, and inserting in place thereof the following section:-
- 3 Section 25I. The department, in conjunction with the board of registration in pharmacy and the
- 4 division of medical assistance, shall establish and implement methods to reduce medication
- 5 waste in facilities licensed by the departments of public health, mental health and corrections.
- 6 The department shall establish such methods, based on its review, that are determined to be
- 7 effective in reducing waste without imposing unreasonable costs on the health care delivery
- 8 system. Such methods may be based on, but not be limited to, the following: (1) current

9 technology, standards and reimbursement mechanisms for dispensing and distributing
10 medications to facilities; (2) other states' requirements for limiting prescription drug waste and
11 any cost savings realized; (3) the commonwealth's standards for the return and re-dispensing of
12 patient-specific schedule VI prescription drugs; and (4) possible incentive mechanisms to
13 prevent the creation of prescription drug waste. The department shall promulgate regulations to
14 implement this section.

15 SECTION 2. The fifth paragraph of section 70E of said chapter 111, as so appearing, is hereby
16 amended by adding the following subsection:-

17 (p) to obtain from the facility in charge of the patient's care, upon discharge, any bulk
18 medications that were prescribed for the patient during the patient's stay including, but not
19 limited to, aerosol inhalers, topical products such as creams and powders eye drops, insulins and
20 special order items, provided that any such items are patient specific and personal and would not
21 otherwise be used in the treatment of another patient. Upon discharge from the hospital, these
22 bulk items shall be considered the personal property of the patient and at the prescribing
23 physician's discretion may include in discharge orders that the patient be provided with the
24 specific bulk products that were used in the hospital with use directions. The department shall
25 promulgate regulations to implement this section.

26 SECTION 3. The department of public health, in consultation with the board of registration in
27 pharmacy shall, as shall provide to the joint committee on health care financing and the joint
28 committee on public health, on or before April 1, 2012 a report and legislative recommendations
29 relative to issues of implementation of the programs established under subsection p of section
30 70E of chapter 111 and section 25I of chapter 111, including, but not limited to: savings and

31 costs related to the implementation of the programs established and recommendations related to
32 penalties for violations of subsection p of section 70E of chapter 111 and section 25I of chapter
33 111.

34 SECTION 4. Notwithstanding any general or special law to the contrary, the department of
35 public health, in consultation with the department of environmental protection, shall make an
36 investigation and study regarding the issue of pharmaceutical drug waste and its effect on the
37 environment in the Commonwealth. The department shall report on the following: (1) the
38 estimated quantity of pharmaceutical drug waste in the Commonwealth; (2) the quantity of such
39 waste that may be recovered prior to disposal; (3) the methods and techniques used in other
40 states or local governments to reduce the amount of pharmaceutical drug waste, and identify
41 model programs used to recover or recycle such waste; and (4) the efforts of pharmaceutical drug
42 industry to mitigate waste through consumer support or take-back programs. The department
43 shall make recommendations, consistent with its report, regarding: (1) the feasibility of
44 expanding a drug recycling program similar to that prescribed in section 25I of chapter 111 to all
45 consumers; (2) the feasibility of adopting similar programs adopted by other states or local
46 governments to reduce drug waste; and (3) the feasibility of the department assisting municipal
47 governments to establish local programs to reduce such waste. The department shall make its
48 report and recommendations together with legislation to implement those recommendations by
49 filing the same with the clerks of the senate and house not later than July 31, 2012.