

HOUSE No. 00619

The Commonwealth of Massachusetts

PRESENTED BY:

John W. Scibak

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 the establishment and operation of a drug repository program.

PETITION OF:

NAME:

| DISTRICT/ADDRESS:

HOUSE No. 00619

By Mr. John W Scibak of South Hadley, petition (accompanied by bill, House, No. 00619) of [petitioners] relative to establishing a drug repository program. Joint Committee on Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 2155 OF 2009-2010.]

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
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An Act providing for the establishment and operation of a drug repository program.

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. Notwithstanding any general or special law to the contrary, the Department
2 of Public Health and the Board of Registration in Pharmacy shall establish a drug repository
3 program to accept and dispense prescription drugs donated for the purpose of being dispensed to
4 individuals who are residents of the Commonwealth and meet the eligibility standards
5 established in the administrative regulations promulgated by the Department and the Board
6 pursuant to Section 5 of this Act.

7 SECTION 2. Only drugs in their original sealed and tamper-evident unit dose packaging may
8 be accepted and dispensed. The packaging must be unopened, except that drugs packaged in
9 single unit doses may be accepted and dispensed when the outside packaging is opened if the

10 single unit dose packaging is undisturbed. Drugs donated by individuals bearing an expiration
11 date that is less than six months from the date the drug is donated shall not be accepted or
12 dispensed. A drug shall not be accepted or dispensed if there is reason to believe that it is
13 adulterated pursuant to section 186 of chapter 94 of the General Laws, as appearing in the 2004
14 Official Edition. Nothing in this section shall be construed as prohibiting a pharmacy from
15 accepting drugs that are not eligible to be dispensed under the drug repository program for the
16 proper disposal of those drugs.

17 SECTION 3. (a) Any person, including a drug manufacturer, health care facility, or
18 government entity, may donate prescription drugs to the drug repository program. The drugs
19 must be donated at a pharmacy, hospital, or a nonprofit clinic that elects to participate in the drug
20 repository program and meets the criteria for participation established by rule of the
21 Department. Participation in the program by pharmacies, hospitals and nonprofit clinics shall be
22 voluntary. Nothing in this Act shall require a pharmacy, hospital or nonprofit clinic to
23 participate in the program.

24 (b) A pharmacy, hospital, or nonprofit clinic that participates in the program shall dispense
25 drugs to individuals who meet the eligibility standards established, or to other government
26 entities and nonprofit private entities to be dispensed to individuals who meet the eligibility
27 standards. A drug may be dispensed only pursuant to a valid drug order. A pharmacy, hospital
28 or nonprofit clinic that accepts donated drugs shall comply with all applicable federal laws and
29 laws of the Commonwealth dealing with storage and distribution of dangerous drugs and shall
30 inspect all drugs before dispensing them to determine that they are not adulterated. The
31 pharmacy, hospital, or nonprofit clinic may charge individuals receiving donated drugs a

32 handling fee established in accordance with the administrative regulations promulgated by the
33 Department and the Board under Section 5 of this Act.

34 (c) Drugs donated to the repository shall not be resold.

35 SECTION 4. (a) The Department of Public Health; the Board of Registration in Pharmacy, any
36 person, including a drug manufacturer, health care facility, or government entity that donates
37 drugs to the repository program; any pharmacy, hospital, nonprofit clinic or health care
38 professional that accepts or dispenses drugs under the program; and any pharmacy, hospital, or
39 nonprofit clinic that employs a health care professional who accepts or dispenses drugs under the
40 program shall not, in the absence of bad faith, be subject to any criminal prosecution, liability in
41 tort or other civil action for injury, death, or loss to person or property; or professional
42 disciplinary action, relating to donating, accepting, or dispensing drugs under the drug repository
43 program.

44 (b) A drug manufacturer shall not, in the absence of bad faith, be subject to criminal
45 prosecution or liability in tort or other civil action for injury, death, or loss to person or property
46 for matters related to the donation, acceptance, or dispensing of a drug manufactured by the drug
47 manufacturer that is donated under the program, including but not limited to liability for failure
48 to transfer or communicate product or consumer information or the expiration date of the
49 donated drug.

50 SECTION 5. In consultation with the Department of Public Health, the Board of Registration in
51 Pharmacy shall establish rules and regulations governing the drug repository program that
52 establish all of the following:

73 3. A form each donor must sign stating that the donor is
74 the owner of the drugs and intends to voluntarily donate them to the repository;

75 (i) For drugs donated to the repository by health care facilities or governmental entities:

76 1. A list of drugs, arranged either by category or by
77 individual drug, that the repository will accept from health care facilities or governmental
78 entities;

79 2. A list of drugs, arranged either by category or by
80 individual drug, that the repository will not accept from health care facilities or governmental
81 entities, including a statement as to why the drug is ineligible for donation; and

82 (j) Any other standards and procedures the Board considers appropriate.