

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 616 Session of 2017

INTRODUCED BY CRUZ, YOUNGBLOOD, KINSEY, DONATUCCI, IRVIN,
BOBACK, MURT, READSHAW, WARD, D. COSTA, NEILSON AND
PASHINSKI, FEBRUARY 24, 2017

REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 24, 2017

AN ACT

1 Amending the act of September 27, 1961 (P.L.1700, No.699),
2 entitled "An act relating to the regulation of the practice
3 of pharmacy, including the sales, use and distribution of
4 drugs and devices at retail; and amending, revising,
5 consolidating and repealing certain laws relating thereto,"
6 further providing for definitions; and providing for
7 collection and disposal of drugs by pharmacies.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 2 of the act of September 27, 1961
11 (P.L.1700, No.699), known as the Pharmacy Act, is amended by
12 adding a paragraph to read:

13 Section 2. Definitions.--As used in this act:

14 * * *

15 (20) "Ultimate user" means a person who lawfully possesses a
16 controlled substance, other drug, device or cosmetic for the
17 person's own use, for the use of a member of the person's
18 household or for administering to an animal in the person's
19 care.

20 Section 2. The act is amended by adding a section to read:

1 Section 4.2. Collection and Disposal of Drugs by
2 Pharmacies.--(a) A licensed pharmacy may collect a legend drug
3 from an ultimate user, or from a long-term care facility on
4 behalf of an ultimate user who resides or resided at the long-
5 term care facility, for the purpose of disposing of the legend
6 drug as pharmaceutical waste, provided that:

7 (1) A pharmacy may collect and dispose of controlled
8 substances listed in Schedules II, III, IV and V of the act of
9 April 14, 1972 (P.L.233, No.64), known as "The Controlled
10 Substance, Drug, Device and Cosmetic Act," as allowed under
11 subsection (b).

12 (2) A pharmacy that has established a controlled substance
13 disposal program under subsection (b) may also collect and
14 dispose of noncontrolled substance legend and nonlegend drugs,
15 but only in the same manner in which it collects and disposes of
16 controlled substances.

17 (b) Controlled substances listed in Schedules II, III, IV
18 and V of "The Controlled Substance, Drug, Device and Cosmetic
19 Act" may be collected and disposed of only under the provisions
20 of 21 CFR Pts. 1300 (relating to definitions), 1301 (relating to
21 registration of manufacturers, distributors, and dispensers of
22 controlled substances), 1304 (relating to records and reports of
23 registrants), 1305 (relating to orders for Schedule I and II
24 controlled substances), 1307 (relating to miscellaneous) and
25 1317 (relating to disposal) that are applicable to the disposal
26 of controlled substances. Disposal of controlled substances and
27 legend and nonlegend drugs must also comply with Federal and
28 State requirements regarding hazardous waste.

29 Section 3. This act shall take effect in 60 days.