
SENATE BILL 6048

State of Washington

62nd Legislature

2012 Regular Session

By Senators Keiser, Pflug, Becker, and Conway

1 AN ACT Relating to permitting nursing homes to recycle unused
2 prescription medicines; amending RCW 18.51.010; and adding new sections
3 to chapter 18.51 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.51.010 and 1983 c 236 s 1 are each amended to read
6 as follows:

7 (1) "Nursing home" means any home, place or institution which
8 operates or maintains facilities providing convalescent or chronic
9 care, or both, for a period in excess of twenty-four consecutive hours
10 for three or more patients not related by blood or marriage to the
11 operator, who by reason of illness or infirmity, are unable properly to
12 care for themselves. Convalescent and chronic care may include but not
13 be limited to any or all procedures commonly employed in waiting on the
14 sick, such as administration of medicines, preparation of special
15 diets, giving of bedside nursing care, application of dressings and
16 bandages, and carrying out of treatment prescribed by a duly licensed
17 practitioner of the healing arts. It may also include care of mentally
18 incompetent persons. It may also include community-based care.
19 Nothing in this definition shall be construed to include general

1 hospitals or other places which provide care and treatment for the
2 acutely ill and maintain and operate facilities for major surgery or
3 obstetrics, or both. Nothing in this definition shall be construed to
4 include any boarding home, guest home, hotel or related institution
5 which is held forth to the public as providing, and which is operated
6 to give only board, room and laundry to persons not in need of medical
7 or nursing treatment or supervision except in the case of temporary
8 acute illness. The mere designation by the operator of any place or
9 institution as a hospital, sanitarium, or any other similar name, which
10 does not provide care for the acutely ill and maintain and operate
11 facilities for major surgery or obstetrics, or both, shall not exclude
12 such place or institution from the provisions of this chapter:
13 PROVIDED, That any nursing home providing psychiatric treatment shall,
14 with respect to patients receiving such treatment, comply with the
15 provisions of RCW 71.12.560 and 71.12.570.

16 (2) "Person" means any individual, firm, partnership, corporation,
17 company, association, or joint stock association, and the legal
18 successor thereof.

19 (3) "Secretary" means the secretary of the department of social and
20 health services.

21 (4) "Department" means the state department of social and health
22 services.

23 (5) "Community-based care" means but is not limited to the
24 following:

25 (a) Home delivered nursing services;

26 (b) Personal care;

27 (c) Day care;

28 (d) Nutritional services, both in-home and in a communal dining
29 setting;

30 (e) Habilitation care; and

31 (f) Respite care.

32 (6) "Participating facility" means a nursing home that voluntarily
33 participates in the prescription drug recycling program created in
34 section 2 of this act.

35 (7) "Prescribing practitioner" means a health care practitioner
36 with prescription authority.

37 (8) "Prescription drug" means any drug which is required by state

1 law or regulation of the state board of pharmacy to be dispensed on
2 prescription only or is restricted to use by practitioners only.

3 (9) "Program" means the prescription drug recycling program.

4 (10) "Single-unit dose packaging" means a single-unit container for
5 articles intended for administration as a single dose, direct from the
6 container.

7 (11) "Tamper-evident unit dose packaging" means a container within
8 which a drug is sealed so that the contents cannot be opened without
9 obvious destruction of the seal.

10 NEW SECTION. Sec. 2. (1) The department, in association with the
11 department of health, must establish a prescription drug recycling
12 program that permits nursing homes to share unused prescription drugs
13 and to accept donations of unused prescription drugs from prescription
14 drug manufacturers and health care practitioners. Participation in the
15 program is voluntary. Controlled substances may not be donated to or
16 accepted by the program.

17 (2) The department may, in consultation with the board of pharmacy,
18 adopt rules to carry out the prescription drug recycling program,
19 including:

20 (a) Eligibility criteria and other standards and procedures for
21 participating facilities that accept and distribute or dispense donated
22 prescription drugs; and

23 (b) Necessary forms for administration of the program, including
24 forms for use by nursing homes or entities that donate, accept,
25 distribute, or dispense prescription drugs under the program.

26 NEW SECTION. Sec. 3. (1) A prescription drug may only be donated
27 to, accepted by, or dispensed under the program if it is unopened,
28 sealed, and tamper-evident unit dose packaging. A prescription drug
29 packaged in single-unit dose packaging may be donated, accepted, or
30 dispensed if the outside packaging is opened but the single-unit dose
31 packaging is unopened.

32 (2) A prescription drug may not be donated to, accepted by, or
33 dispensed under the program if it:

34 (a) Is expired;

35 (b) Is a controlled substance;

36 (c) Is adulterated or misbranded; or

1 (d) Has been in possession of a patient or a member of the public.

2 NEW SECTION. **Sec. 4.** (1) Participating facilities must comply
3 with state and federal laws on storage, distribution, and dispensing of
4 prescription drugs received under the program and must inspect all such
5 drugs before dispensing to determine if they are adulterated or
6 misbranded. Prescription drugs received under the program may only be
7 dispensed pursuant to a prescription issued by a prescribing
8 practitioner or may be distributed to another participating facility
9 for dispensing.

10 (2) Participating facilities may charge a handling fee, in
11 accordance with department rule, for distributing or dispensing
12 prescription drugs under the program. Prescription drugs donated under
13 the program may not be resold.

14 NEW SECTION. **Sec. 5.** (1) Except as provided in subsection (2) of
15 this section, any person or entity, including a prescription drug
16 manufacturer, which exercises reasonable care in donating, accepting,
17 distributing, or dispensing prescription drugs under this chapter and
18 rules adopted under this chapter is immune from civil or criminal
19 liability or professional disciplinary action of any kind for any
20 injury, death, or loss to person or property relating to such
21 activities.

22 (2) The donation of a prescription drug by a prescription drug
23 manufacturer does not absolve the manufacturer of any criminal or civil
24 liability that would have existed but for the donation, nor shall such
25 donation increase the liability of such prescription drug manufacturer
26 that would have existed but for the donation.

27 NEW SECTION. **Sec. 6.** The department must establish and maintain
28 a participating facility registry for the program. The participating
29 facility registry must include the participating facility's name,
30 address, contact person, and telephone number. The participating
31 facility registry must be available to any entity wishing to donate
32 prescription drugs to the program.

1 NEW SECTION. **Sec. 7.** Sections 2 through 6 of this act are each
2 added to chapter 18.51 RCW.

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