

## Dispensing of Returned Prescription Drugs by Prison Pharmacies

The 2003 *Suggested State Legislation* Volume 62 contains a draft Act that is based on Oklahoma HB1297, a 2001 law. That SSL draft directs the state board of health, the state board of pharmacy and the state health commission to jointly develop and implement a pilot program through which unused prescription drugs, other than opiates, can be transferred from nursing facilities to pharmacies operated by city-county health departments or county pharmacies for the purpose of distributing the medication to state residents who are medically indigent. Medically indigent people are those who have no health insurance or who lack reasonable means to purchase prescribed medications.

The 2003 draft Act also:

- Authorizes residents of a nursing facility, or the representative or guardian of a resident, to donate unused non-opiate prescription medications for dispensation to medically indigent people;
- Makes an exception to provisions of the pharmacist licensure laws that prohibit pharmacists from selling, bartering, or giving away unused medications for participation in the program;
- Provides liability protection for physicians, pharmacists, and other health care professionals for participation in the program when acting within the scope of practice of their license and in good faith compliance with the rules promulgated pursuant to the Act;
- Requires that the rules promulgated to implement the program provide for:
  - A formulary for the medications to be distributed pursuant to the program,
  - The protection of the privacy of the individual for whom the medication was originally prescribed,
  - The integrity and safe storage and safe transfer of the medication, which may include limiting the drugs made available through the program to those that were originally dispensed by unit dose or an individually sealed dose or which remain in intact packaging, and
  - The tracking of and accountability for the medications; and
  - Requires the state board of health, the state board of pharmacy, the state health commission, the state board of medical licensure and supervision, and the state board of osteopathic examiners to review and evaluate the program no later than 18 months after its implementation and report any recommendations to the governor and the Legislature.

The draft Act in this 2005 SSL volume provides that a prison pharmacy may dispense returned prescription drugs to any patient in any state prison if all of the following conditions are satisfied:

- The prescription drug was never in the possession of the patient to whom it was originally prescribed;
- The prescription drug is returned in its original container; and
- A pharmacist determines that the prescription drug has not been adulterated or misbranded.

Submitted as:

Wisconsin

[Act 54 of 2003](#)

Status: Enacted into law in 2003.

## Suggested State Legislation

(Title, enacting clause, etc.)

1           Section 1. [*Short Title.*] This Act may be cited as "An Act Relating to Dispensing  
2 Returned Prescription Drugs by the State Prison Pharmacies."  
3

4           Section 2. [*State Prisons.*] A prescription drug that is returned to a pharmacy that  
5 primarily serves patients confined in a state prison may be dispensed to any patient in any state  
6 prison, but only if all of the following are satisfied:

7           (a) The prescription drug was never in the possession of the patient to whom it was  
8 originally prescribed.

9           (b) The prescription drug is returned in its original container.

10          (c) A pharmacist determines that the prescription drug has not been adulterated or  
11 misbranded.  
12

13          Section 3. [*Severability.*] [Insert severability clause.]  
14

15          Section 4. [*Repealer.*] [Insert repealer clause.]  
16

17          Section 5. [*Effective Date.*] [Insert effective date.]