Utilization of Unused Prescriptions

This Act 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 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:
  1. A formulary for the medications to be distributed pursuant to the program,
  2. The protection of the privacy of the individual for whom the medication was originally prescribed,
  3. 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
  4. 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.

Submitted as:
Oklahoma
HB1297 (enrolled version)

Suggested Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title.] This Act may be cited as the “Utilization of Unused Prescription Medications Act.”

Section 2. [Pilot Program.]
(A) The [State Board of Health], the [State Board of Pharmacy] and the [State Health Care Authority] shall jointly develop and implement a pilot program consistent with public health and safety through which unused prescription drugs, other than prescription drugs defined as controlled dangerous substances by [insert citation], may be transferred from nursing facilities to pharmacies operated by city-county health departments or county pharmacies for the purpose of distributing the medication to residents of this state who are medically indigent.

(B) The [State Board of Health], the [State Board of Pharmacy], the [State Health Care Authority], the [State Board of Medical Licensure and Supervision], and the [State Board of Osteopathic Examiners]
shall review and evaluate the program no later than [eighteen (18)] months after its implementation and shall submit a report and any recommendations to the [Governor], the [Speaker of the House of Representatives], the [President Pro Tempore of the Senate], and the [Chairs] of the appropriate legislative committees.

(C) The [State Board of Health], the [State Board of Pharmacy] and the [State Health Care Authority] shall promulgate rules and establish procedures necessary to implement the program established by this section. The rules and procedures shall provide:

1. For a formulary for the medications to be distributed pursuant to the program;
2. For the protection of the privacy of the individual for whom the medication was originally prescribed;
3. For the integrity and safe storage and safe transfer of the medication, which may include but shall not be limited to 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;
4. For the tracking of and accountability for the medications; and
5. For other matters necessary for the implementation of the program.

(D) In accordance with the rules and procedures of a program established pursuant to this section, the resident of a nursing facility, or the representative or guardian of a resident may donate unused prescription medications, other than prescription drugs defined as controlled dangerous substances by [insert citation], for dispensation to medically indigent people.

(E) Physicians, pharmacists and other health care professionals shall not be subject to liability for participation in the program established by this Act when acting within the scope of practice of their license and in good faith compliance with the rules promulgated pursuant to the Utilization of Unused Prescription Medications Act.

(F) For purposes of this section, “medically indigent” means a person who has no health insurance or who otherwise lacks reasonable means to purchase prescribed medications.

Section 3. [Penalties.] It shall be unlawful for any person, firm or corporation to sell, offer for sale, barter or give away any unused quantity of drugs obtained by prescription, except through a program pursuant to the Utilization of Unused Prescription Medications Act or as otherwise provided by the State Board of Pharmacy or except as permitted by [insert citation].

Section 4. [Severability.] [Insert severability clause.]

Section 5. [Repealer.] [Insert repealer clause.]

Section 6. [Effective Date.] [Insert effective date.]